

MINUTES OF REGULAR MEETING OF THE CITY
COMMISSION OF THE CITY OF LUFKIN, TEXAS,
HELD ON NOVEMBER 15, 1960, AT 7:00 P.M.

On this the 15th 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:

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| 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. E.T. Howard, retired Baptist minister. Mayor Waters thanked Rev. Howard for his participation and invited him to stay for entire meeting or feel free to leave when he desired.
2. Minutes of previous meeting were read and approved after two corrections as follows:

Item 4: Mr. Delbert Parrott was shown as President of National Association of Letter Carriers and should have been shown as President, Local Branch #2279, National Association of Letter Carriers.

Item 7: Commissioner Bayo Hopper made motion, seconded by Commissioner E. Kurl Shirey and voted unanimously that subparagraphs under first paragraph should be corrected to read as follows:

Contract #1 as of Nov. 3 was over the 270 calendar days set out in Contract by 41 days, or 311 days which was granted, but any additional time in excess of the 311 days would be at liquidated damages as indicated by Contract.

Contract #2 as of Oct. 31 was 274 days and the calendar days covered by Contract was 240. Eight days had been requested and granted to Contractor making 248 days granted. Therefore, Contract #2 was 26 days over Contract as of Oct. 31, 1960, and Contractor is liable for liquidated damage from that date.

Contract #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 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.

3. Joseph Tatum appeared before City Commission and presented petition signed by 18 property owners on Suzette Street requesting that name of Suzette Street be changed to Russell Street. If change is made, Russell Street would then extend from Southwood Drive to Pierce Street. Also the street name of Suzette is confused with street names in another addition of the City. After considerable discussion it was apparent that City Manager, City Commission members and others were in favor of the change. Commissioner E. Kurl Shirey made motion that Resolution be passed changing name of Suzette Street to Russell Street, seconded by Commissioner A. G. Welch and voted unanimously.
4. City Manager read letter from Secretary of Zoning Board and City Planning Commission advising that following zone change applications have been considered and approved by these two bodies and was now in order to have published for hearing by City Commission:
 - "B" to "F" District, Lot 1, Block 79, located at Southeast corner of Frank and Bonner Streets, requested by Mrs. E. W. Leach, Sr.
 - "B" to "C" District, Lot 3, Block 67, located at corner of Persimmon and Bonner Streets, requested by Parkview Baptist Church.
 - "A" to "L" District, 26.612 acres of land located off East Lufkin Avenue between Moore Chair Factory and Texas Electric Cooperatives, Inc., requested by Lufkin Industrial Foundation (Angelina County Chamber of Commerce). Commissioner Bayo Hopper made motion that notice for hearing in meeting of Dec. 6, 1960, be ordered published. Motion seconded by E. Kurl Shirey and voted unanimously.
5. City Manager read letter from Chairman of City Planning Commission stating that, in view of the fact notice had already been given for public hearing before City Commission, City Planning Commission reluctantly concurs with recommendation of Zoning Board that City Commission approve ordinance changing zone from "A" to "C" District on four residential areas as follows:
 - Lot 2, Block 2, Jordan-Marcus Addition, located at 707 ✓ Jordan, requested by Lester Greenville and wife;
 - Lot 1, Block 2, Bonton Addition, located at 1002 Jordan, requested by B. J. Ramsey and wife;
 - Lot 2, Block 3, Robb Addition, located on Jack Street, requested by V. L. Benoit and wife;
 - 90' X 139.8' off South end of Lot 3, Block 28, Denman Addition, located at 520 South Third Street, requested by James R. Griggs and wife.

Chairman of City Planning Commission further advised in letter that his group felt it was generally not desirable to permit commercial activities to be conducted in residential areas because such activities alter the character of the neighborhood and increase traffic. Also felt the above changes constitute spot zoning which should be discouraged. City Planning Commission recommends to City Commission that if it desires to approve these particular zone changes, that zone ordinance not be amended but that a variance or special exception be granted.

James R. Griggs and wife, B. J. Ramsey, V. L. Benoit, and Mrs. Lester Greenville were present and spoke briefly in behalf of their particular application. A. J. Thiboutot was present to protest change at 1002 Jordan.

Discussion developed that further requests of this nature should be given very serious study to see that changes, if any, fall into an overall pattern of zoning. Commissioner Beamon S. Cook made motion that due to fact these changes had received approval of Zone Board and concurred in reluctantly by City Planning Commission, same be approved on first reading. Commissioner A. G. Welch seconded motion and voted unanimously.

6. City Attorney read ordinance he had prepared amending existing ordinance covering control of dogs. Said the revision had sufficient teeth in it to control the dog situation if properly enforced. Some discussion developed and it was decided that each Commission member would be furnished copy of the revision for study and action would be taken at next meeting. Mr. Delbert Parrott, President of Local Branch #2279, National Association of Letter Carriers, and several other members of his organization were present and thanked the City Commission for their promptness in handling this matter.
7. City Attorney read ordinance which was due for approval on second and final reading covering annexing of property between Tanglebriar Addition and Southern Pacific Railroad. Charles Ruth, local Attorney, along with a number of other citizens (including County Judge H. R. Rolston and Mrs. Rolston) appeared before the City Commission and vigorously opposed approval of the Ordinance on second and final reading. Mr. Ruth presented petition signed by 35 people whom he stated were qualified voters or property owners in the area, requesting that the area not be annexed; also a petition signed by 8 people whom he stated were qualified voters or property owners in the area who signed the original petition for annexation and now request their names be withdrawn from that petition and are now voting against annexation. Mr. Ruth did not feel the original petition for annexation the City has on file carries the signatures of a majority of qualified voters or property owners in the area. He also did not feel the affidavit attached to the petition was valid in that two of the signers of the affidavit had now requested that their names be withdrawn from the original petition. Mr. Ruth also stated that a number of the people who signed the original petition for annexation did so after being promised services, by party presenting the petition, that should not have been made.

County Judge H. R. Rolston spoke against annexation of the property in that he felt every qualified voter or property owner in the area should have a voice in the matter and did not feel that had been the case. He suggested that an election be called in order that all interested and qualified people could vote in the matter.

Mr. Fred D. Griffin along with Durwood Witherspoon, W. W. Lowe, and Allen L. Rush appeared before the City Commission and just as vigorously spoke in favor of annexation as the group opposing it.

Several questions were directed at both groups by the members of the City Commission regarding services, taxes, and manner of securing signatures on the original petition.

City Attorney stated his view on the matter, and advised the City Commission that, in his opinion, the handling of this particular annexation had been done in a legal manner and it was the duty of the City Commission to decide whether this or any other similar matter was for the best interest of the City.

At this point, Mayor Jim Waters called a halt to the discussion and inquired if City Commission members desired to take action on the matter.

Commissioner Bayo Hopper made motion that the Ordinance covering the annexation of this property be passed on second and final reading. Commissioner E. Kurl Shirey seconded the motion and the following vote recorded:

Voting Aye:

Mayor Jim Waters
Commissioner Bayo Hopper
Commissioner E. Kurl Shirey

Voting Nay:

Commissioner Beamon S. Cook
Commissioner A. G. Welch

Mayor declared motion carried by majority vote

8. City Manager read letter from Chairman of City Planning Commission giving their recommendation on petition by citizens for closing alley in Blocks 5 and 6 between Taylor and Thompson Streets in Angelina County Lumber Company Subdivision. This recommendation is "That action on their request be delayed indefinitely until it can be seen how such closing might fit into overall plans for city." Mr. George L. Ricks was present and urged City Commission to take some action since all owners in one block had signed petition and all but two or three in the other block had signed it. City Attorney stated that legally the City could not close the block where two or three signatures were lacking but could close where all property owners requested it. Commissioner Bayo Hopper and Commissioner E. Kurl Shirey felt should hold up any action in line with Planning Commission recommendation. Commissioner B. S. Cook made motion that City close alley in Block #6 per petition of all property owners in block. Motion seconded by Commissioner A. G. Welch and following votes were recorded:

Voting Aye.

Mayor Jim Waters
Commissioner B. S. Cook
Commissioner A. G. Welch

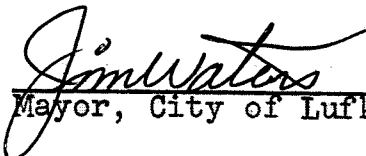
Voting Nay:

Commissioner Bayo Hopper
Commissioner E. Kurl Shirey

Mayor declared motion carried by majority vote.

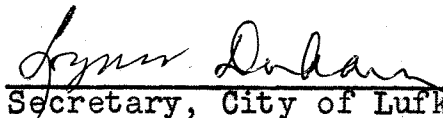
9. City Manager presented monthly estimate for approval to pay in amount of \$2,473.79 from Turner and Collie which, he stated, was in accordance with Contract. Commissioner E. Kurl Shirey made motion that payment of this estimate be authorized. Motion was seconded by Commissioner A. G. Welch and the ensuing vote was unanimous.
10. City Manager read letter from Mr. J. M. York, District Engineer, State Highway Department, requesting City Commission's approval of their minute order #48653 passed on Oct. 28, 1960, covering improvement to portion of Raguet Street between Abney Avenue and West City Limits. Commissioner B. S. Cook made motion that minute order be approved, seconded by Commissioner E. Kurl Shirey and voted unanimously.
11. City Manager called attention to notice of hearing on Dec. 13th in Jasper regarding use of water from Magee Bend Dam.
12. City Manager invited members of this group to attend monthly dinner meeting of Central East Texas Water Works Association scheduled to be held at Petty's Cafe on Nov. 16, beginning at 7:00 P.M. Also to attend luncheon of East Texas City Managers Association on Nov. 18 at Petty's Cafe.

13. City Manager presented list of inactive and delinquent accounts in Water Office on which he requested City Commission approval to have charged off. Stated we would continue to try and collect these accounts even though same have been charged off. List was studied carefully by members of City Commission and it was the general feeling that special efforts should be made to collect these accounts. Commissioner E. Kurl Shirey made motion that, from an accounting standpoint, authorization be granted to charge these accounts off. Motion seconded by Commissioner Bayo Hopper and voted unanimously. Commissioner Bayo Hopper stated he would like to hear a report on this periodically as to progress on collections.
14. Open items were gone over and discussed.
15. Commissioner E. Kurl Shirey made motion that invoices for month be ordered paid, seconded by Commissioner Bayo Hopper and voted unanimously.
16. Mayor Jim Waters called attention to following items he was particularly interested in:
 - (a) Meeting of Region 16, Texas Municipal League, scheduled for Dec. 1 at Livingston. Good program has been arranged and would like to see a good representation from Lufkin and stated this was a Ladies Night meeting.
 - (b) Due to many problems we are confronted with on zoning, planning, etc, felt it was very important that meeting of minds was evident at all times, and was going to call a meeting in the near future of City Commission, City Planning Commission, Zoning Board Members, and other interested City Officials for purpose of discussing such mutual problems.
 - (c) Should give study to amending ordinance for signs for beauty shops.
17. There being no further business for consideration, meeting adjourned.



Mayor, City of Lufkin, Texas

ATTEST:



Secretary, City of Lufkin, Texas