

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON 3rd DAY OF MARCH, 1964, AT 7:30 PM.

On the 3rd day of March, 1964, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

Jim Waters	Mayor
Jack W. Tucker	Commissioner, Ward No. 1
Beamon S. Cook	Commissioner, Ward No. 2
S. Harry Kerr	Commissioner, Ward No. 3
Granville Wright	City Manager
Lynn Durham	City Secretary
William Drew Perkins	City Attorney

being present, and

A. G. Welch	Commissioner, Ward No. 4
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. W. W. Luster, Pastor of Central Baptist Church, who left immediately after being thanked by Mayor Waters for his participation.
2. Minutes of previous meeting were read and approved.
3. Mayor Waters welcomed a number of visitors who were present in connection with items on the agenda or as observers.
4. Fred Woods, representing the Angelina County Humane Society, appeared before the City Commission to request consideration be given to change in lease drawn up by City Attorney from period of 1 year to 20 years.

After discussion, it was agreed that lease should be changed to 10 years with option for an additional 10 years. Commissioner Jack W. Tucker made motion to this effect, seconded by Commissioner Beamon S. Cook and a unanimous affirmative vote recorded.

Mr. Woods gave a report on drive by the Angelina County Humane Society for funds and inquired if \$2,000.00 City had agreed to expend and set up in budget was available. City Manager advised this amount was available when desired.

5. Messrs. E. J. Dietrich, J. N. Ash and J. C. Hild of Bernard Johnson Engineers, Inc., Houston, Texas, appeared before the City Commission and Mr. Hild gave a report on preliminary work done on proposed new water well which his firm had been authorized to prepare.

Mr. Hild exhibited map showing location of present wells and proposed best location for new well. He also stated that estimated cost for new well, which includes site, well and pump, lines, engineering, etc., would be approximately \$100,000.00. He also presented a proposed schedule on completion of construction to be July 3, 1964, which will be a close schedule.

Mayor Waters stated it was his recommendation that we proceed immediately with plans as recommended by Bernard Johnson Engineers, Inc., and use bond money available from previous issue and make loan for balance from bank until our financial structure has been worked out through bond issue to include this and other improvements which probably will be submitted and voted on later by citizens.

Other members of the City Commission in accord with Mayor's recommendation and Commissioner Jack W. Tucker made motion that we proceed with the schedule as submitted by Bernard Johnson Engineers, Inc., on construction of new water well. Commissioner S. Harry Kerr seconded the motion and a unanimous affirmative vote was recorded.

6. City Attorney read ordinance for consideration of passage on first reading covering zone change from R-1 District to NR District on property located at corner of Frank Avenue and Perry Street (across Perry Street from Dr. Koch's office) by Mr. and Mrs. Eli Bynum.

City Secretary stated application was considered by City Planning and Zoning Commission in meeting of February 15, 1964, and no one objected to change as all property owners within 200 feet of subject property had signed waiver voicing no objection to the change. City Planning and Zoning Commission unanimously recommended change be granted by City Commission.

City Secretary further stated that notice was published in Lufkin News in accordance with ordinance advising of City Commission consideration at this meeting.

Mr. Eli Bynum, applicant for zone change, was present to answer any inquiries by City Commission. Mayor Waters inquired if any one present desired to object to change and there were no objections.

Commissioner S. Harry Kerr made motion that ordinance changing zone as requested be passed on first reading. Commissioner Beamon S. Cook seconded the motion and a unanimous affirmative vote was recorded.

7. City Attorney read ordinance for passage on second reading changing zone from R-3 District to LB District on property located on south side of Kurth Drive, being approximately 200 feet east of Sayers Street and being portion of Tract 6, Map 7, City of Lufkin.

Mayor Waters inquired if any one present desired to object to change and there were no objections. Commissioner Beamon S. Cook made motion that ordinance be passed on second and final reading. Commissioner Jack W. Tucker seconded the motion and an affirmative unanimous vote was recorded.

8. City Attorney read ordinance for first reading amending present ordinance covering Rest Homes, changing Section IX by deleting prohibition against establishing a rest home within 200 feet of a public park or playground.

City Attorney was requested by City Commission at meeting of February 18, 1964, to prepare this amendment since G & G Construction Company had started construction of Holiday Lodge Nursing Home and had not been issued building permit due to violating this section in present ordinance since the Nursing Home would be less than 200 feet from City Park.

Jack Hicks, Attorney, was present and called attention to copy of letter furnished him from Mr. J. W. Hornburg, Director, Division of Nursing and Convalescent Homes, State Department of Health, to City Attorney, commenting on this condition and advising that at the time plans for this Nursing Home were approved by the State Department of Health, they were not aware of city ordinance restricting location of Nursing Home to within 200 feet of a public park.

However, Mr. Hornburg further stated in his letter that Department of Health always made it a practice to advise any prospective builder to clear all matters regarding zoning

and other applicable restrictions with City government before any construction is undertaken.

Mr. Hicks requested City Commission to amend Ordinance No. 196 by declaring an emergency in order that G & G Construction Company could continue with their construction which has been halted since last meeting by order of City Inspector.

City Attorney stated this could not be considered an emergency since G & G Construction Company did not comply with Ordinance No. 196 and amendment should be passed on two readings. Commissioner S. Harry Kerr stated that if City Commission passed the amendment to Ordinance, a precedent would be set on other infractions.

Commissioner Beamon S. Cook stated he was in favor of amending ordinance regarding playgrounds only and if a fence was constructed between Nursing Home and park. Mr. W. R. Reed of G & G Construction Company, who was present, stated they would construct such a fence if this was the desire of City Commission.

Commissioner Jack W. Tucker asked Mr. Reed if provisions of National Building Code had been complied with in regard to fire walls and he was assured by Mr. Reed this provision had been complied with.

Commissioner Beamon S. Cook made motion that Ordinance amendment be passed on first reading, amending Section IX of Ordinance No. 196 by deleting the prohibition against establishing a rest home within 200 feet of a public park or playground. Commissioner Jack W. Tucker seconded the motion and following vote recorded:

Voting for Amendment:

Mayor Jim Waters  
Commissioner Jack W. Tucker  
Commissioner Beamon S. Cook

Voting against Amendment:

Commissioner S. Harry Kerr.

Mayor declared motion carried by majority vote.

9. City Commission did not take action on pawnshop ordinance due to further study being desired and City Manager was instructed to have Chief of Police present at next meeting to give his views on the ordinance.
10. City Manager stated he had recently sent out request for bids on pickup truck for use by Fire Department as pumper to fight small grass fires. Fire Department has been using 1947 Studebaker which is no longer satisfactory. Stated funds for this truck were available in Fire Station Construction Fund-1959. City Manager requested approval of this action by City Commission.

Commissioner S. Harry Kerr made motion that action by City Manager to purchase this truck through bids be approved. Commissioner Beamon S. Cook seconded the motion and a unanimous affirmative vote was recorded.

11. City Manager stated that East Texas Firemen Association had scheduled next meeting for Lufkin on May 18th and Fire Chief had made request to him that City of Lufkin underwrite the expense of \$300.00 for this meeting. City Manager stated there would be registration fee charged and possible expense to City would actually be much less.

Commissioner S. Harry Kerr made motion that City of Lufkin underwrite expense of this meeting in the amount of \$300.00 as requested. Commissioner Beamon S. Cook seconded motion and a unanimous affirmative vote was recorded.

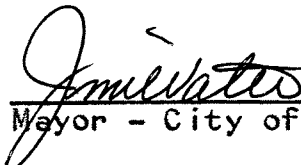
12. City Manager stated that property owner who fenced up portion of Lake Alley had advised that he was not going to move fence. City Manager was instructed to have City Attorney and City Engineer to check into this matter and report at next meeting before decision reached as to action to be taken by City.
13. City Manager read letter from Jerry LaBar of 322 Charlton, Lufkin, Texas, alleging damage to his automobile in amount of \$107.20 due to running into exposed end of a culvert near the intersection of Pershing Street and Southwood Drive on February 14, 1964, and requesting payment of alleged damage in above amount by City of Lufkin.

This matter was discussed in detail by City Commission and City Manager was instructed to write Mr. LaBar and advise him that the City Commission disavows any claim for payment of damages in connection with this alleged accident.


14. Open items were gone over and status developed. More study was desired by City Commission on proposed revision to Health Ordinance and to Ordinance changing Building Code from National to Southern.
15. Mayor Waters read letter from Dr. Jack Pruitt regarding installation of traffic light at Frank Avenue and Bynum. City Manager stated no action could be taken until we have reply from State Highway Department to our recent letter on this matter.
16. Discussion was had on recent resignation of two Sergeants in the Police Department and the publicity given in local newspaper that resignations were due to low pay and their inability to properly support their families.

City Commission instructed City Manager to make a study of conditions in this department that may be detrimental to City being able to maintain sufficient force and to discuss with the Sergeants and ascertain their exact reasons for resigning and make recommendations to correct such conditions.

17. Commissioner Jack W. Tucker requested City Attorney to explain to City Commission conditions leading to disciplinary suspension of 15 days given to one of the Firemen. City Attorney stated this employee was suspended for 15 days without pay by Fire Chief under Civil Service Rules for cause and that he had advised Fire Chief to take this disciplinary action. However, after thoroughly studying statute, he came to conclusion that City was in error and had recommended to Fire Chief by letter that employee be reinstated with full pay and that Fire Chief had complied with recommendation.
18. There being no further business for consideration, meeting was adjourned at 10:30 PM.

  
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Mayor - City of Lufkin, Texas

ATTEST:

  
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Lynn Durham - City Secretary