

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION
OF THE CITY OF LUFKIN, TEXAS, HELD ON OCTOBER 18,
1960, AT 7:30 P.M.

On this the eighteenth day of October, 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
Lynn Durham,	City Secretary
William Drew Perkins,	City Attorney

being present, and the following absent:

Harold Schmitzer, City Manager

constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Captain Cecil Brown of the Salvation Army, who left immediately after being thanked by Mayor Waters for his participation.
2. Minutes of the previous meeting were read and approved.
3. The City Secretary read a letter to the Mayor and City Commissioners advising that the Zoning Board had recommended rejection of the following two zone change applications, and concurred in by the City Planning Commission:

Application of John Kelley Bennett and Wife, Reba, from "A" to "F" District, covering Lot 4, Block 2, J.P. Bennett Addition.

No further action recommended or taken by the City Commission on this application.

Application of W.S. Hanover and Wife, Grace, from "H" to "L" District, covering Lots 14, 15 and 16, Block No.1, Clark Addition.

A temporary permit was granted for installation of a portable cement plant by a majority of the City Commission, effective as of July 8, 1960, as covered in a letter from Mayor Jim Waters to A.K. Anderson as of the above date. In the discussion that followed it was brought out that the gentleman who had installed the portable cement plant did so thinking the existing zone designation was sufficient since other businesses were located in the vicinity. However, in applying for electric service permit with the City he was turned down by the City Electrical Inspector due to a cement plant requiring "L" zone instead of "M".

It was brought out in the above letter that a number of protesters appeared at an open hearing of the Zoning Board, the main objections being that property values would be decreased, the increased danger to children due to increase in traffic, and the dust was terrific.

Commissioners Beamon S. Cook and A.G. Welch felt consideration should be given to the gentleman who installed the portable equipment since he felt he was within the law and had spent considerable money getting set up. Mayor Jim Waters felt consideration should be given the fact that the man employed a number of people, which we certainly desired to encourage.

Commissioners Bayo Hopper and E. Kurl Shirey were of the opinion that we should follow the recommendations of the Zoning Board, concurred in by the City Planning Commission, and enforce the present zoning ordinance and not allow any additional time. A.K. Anderson, Building Inspector, stated it was his understanding that the temporary permit granted would be for a two year period, and by the end of this time he felt the business would be increased to where moving to another location would be necessary, or decreased to a point where he could not remain in business.

Commissioner Beamon S. Cook made motion that the temporary permit be allowed to run for two years beginning July 8, 1960, seconded by Commissioner A.G. Welch and the following vote recorded:

Voting Aye: Mayor Jim Waters
Commissioner Beamon S. Cook
Commissioner A.G. Welch

Voting Nay: Commissioner Bayo Hopper
Commissioner E. Kurl Shirey

Mayor Waters declared the motion carried by a majority vote.

4. Open items were gone over and discussed. In connection with the claim of E.L. Callahan, the City Attorney advised that he had been in contact with Mr. Louis R. Renfrow, Attorney for Mr. Callahan, regarding a definite settlement offer by Mr. Callahan, and Mr. Renfrow stated that Mr. Callahan's previous statement that the line be lowered below the ground or moved off his property was his offer. Discussion brought out that this offer was obviously out of the question. However, it was the feeling of the Commission that Mr. Callahan's Attorney should be informed of this and any counter-offer the City may have.

Commissioner E. Kurl Shirey made motion that the City Attorney be instructed to write Mr. Callahan's Attorney, Mr. Louis R. Renfrow, that the City cannot lower or remove sewer pipe from Mr. Callahan's property but proposes to:

- (a) Cover such portions of the sewer line as exist above the surface of Mr. Callahan's land with concrete capping, with a thin layer of soil above the capping; or
- (b) Cover the entire exposed portion of the sewer line with a minimum of two feet of soil, letting the soil taper off to the ground at a reasonable incline.

Commissioner Bayo Hopper seconded the motion, and the vote was unanimous.

5. The City Engineer called the City Commission's attention to the status of the following two Contracts covering our Sewer Improvement Program:

Contract No.2

80% complete and had now gone beyond the 248 days allowed in contract by 12 days, as of this date.

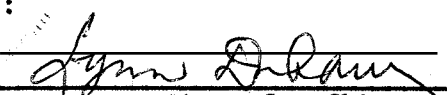
Contract No.3

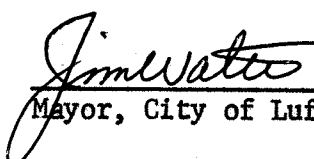
90% complete and had now gone beyond the 180 days allowed in contract by 22 days, as of this date.

The City Attorney stated that the contracts call for liquidated damage of minimum of \$50.00 per day beyond the time allowed in contract unless an extension was allowed by the City Commission. Mayor Waters will discuss this with the City Manager immediately upon his return to the City.

6. Mr. Cecil W. Simpson, Chairman of the City Planning Commission, was present and called attention to Southwestern Legal Foundation Institute on planning and zoning to be held in Dallas on November 3rd and 5th. He stated that this matter had been discussed at the last City Planning Commission meeting and it was the recommendation of this group that Lufkin should have a representative attend the Institute or secure some of the papers to be presented. Considerable discussion developed, and it was the feeling of the City Commission that the City should stand the expense of a member of the City Planning Commission attending. Commissioner Beamon S. Cook made motion that Mr. Cecil W. Simpson be designated to attend, or some other member in case of his inability to do so. Commissioner Bayo Hopper seconded the motion, and the vote was unanimous.
7. Commissioner E. Kurl Shirey made motion that the invoices for the month be ordered paid, seconded by Commissioner A. G. Welch, and voted unanimously.
8. There being no further business for consideration, the meeting adjourned.

ATTEST:


City Secretary, City of Lufkin, Texas


Mayor, City of Lufkin, Texas