

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF DECEMBER, 1985 AT 5:00 P.M.

On the 3rd day of December, 1985, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Dr. Charles McIlveene, Minister, First Baptist Church, Lufkin.

Dr. McIlveene stated that he would like to extend his congratulations to the Mayor and Mrs. Garrison on their 49th wedding anniversary today.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of November 19, 1985 and minutes of Special Meeting of October 29, 1985, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION & PERMANENT ZONING - HIGHWAY 58 AT WHITEHOUSE DRIVE

Mayor Garrison officially opened Public Hearing for Annexation and Permanent Zoning of property located on Highway 58 across from Whitehouse Drive. Mayor Garrison stated that this proposed annexation and permanent zoning had been approved by the Planning & Zoning Commission and had been submitted to the City Commission for further consideration.

Mayor Garrison recognized Mrs. Hollis Renfro representing the residents of the area to be annexed. Mrs. Renfro stated that the residents were all in accord with the annexation and were anxious to be in the City.

Mayor Garrison closed Public Hearing due to lack of discussion.

5. PUBLIC HEARING - ANNEXATION & PERMANENT ZONING - OLD UNION ROAD

Mayor Garrison stated that the Commission now had for consideration the annexation and permanent zoning of property located North of Old Union Road and South of Texas Southeastern Railroad line, West of Largent, and East of Hudson City limits line. Mayor Garrison officially opened Public Hearing.

Mayor Garrison recognized William C. Long who opposed the annexation. Mr. Long stated that he had nine (9) acres of land, had recently had a bathroom installed in his house, he was troubled by the flood waters and did not see where the annexation would help him. Mr. Long stated that the problems he had with his property concerned the City. Mr. Long stated that he had a "regular garbage dump" across the street from his home. Mr. Long stated that when there is a heavy rain water from Highway 94 comes down the railroad tracks and floods his property.

Mayor Garrison stated that Mr. Long was the only person appearing in opposition of the annexation and the City could take the drainage problems into consideration.

Mr. Travis Fuller stated that he owned the property at the end of the proposed area for annexation and that he did not have any problem about being annexed into the City but he is currently operating a business there and if there will be problems with zoning he would like to be left out. Mr. Fuller stated that he would like to have his 15 acres brought into the City zoned as "Commercial".

Mayor Garrison stated that the Commission would take into account the objections of those protesting the annexation at the First Reading of the Ordinance.

Mayor Garrison officially closed Public Hearing due to lack of discussion.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that First Reading of the proposed annexation and permanent zoning of the area be heard on December 17, 1985. A unanimous affirmative vote was recorded.

6. PUBLIC HEARING - TAX ABATEMENT - REINVESTMENT ZONE - PARKWOOD MANOR LTD. - 920 FRANK AVENUE

Mayor Garrison stated that the Commission now had for consideration a request in connection with Parkwood Manor Ltd., which is renovating the old Woodland Heights Hospital, to classify this area as a Reinvestment Zone where the owners can have the privilege of a Tax Abatement Program. Mayor Garrison stated that the request for the Tax Abatement was for a period of 15 years. Mayor Garrison officially opened Public Hearing and recognized Mr. Joe Ed Clark representing the request.

Mr. Clark stated that he planned to build a building that the City of Lufkin could be proud of and one which would greatly enhance the area.

Mayor Garrison stated that he would question the number of years involved in the request, and was concerned that the Commission had not come to an understanding as to whether they should grant 10 years or 15 years. Mayor Garrison stated that in his opinion 10 years should be adequate but he was still flexible regarding the program. Commissioner Pat Foley stated that he was in agreement with the Mayor and felt a policy should be set.

Mayor Garrison stated that for the information of those present the property keeps the value that it now has on the tax rolls, it is the added improvements that are not taxed until the 15 years has expired and then the total property is taxed. Mayor Garrison stated that the Program is simply an inducement to encourage people to renovate old structures and build new structures in areas that are deteriorating.

Commissioner Louis Bronaugh stated that the old Woodland Heights Hospital building was not on the tax rolls when it was owned by the

County. Mayor Garrison stated that it was added to the tax rolls when it was purchased by the present owners in September, 1983.

Commissioner Percy Simond stated that in his opinion a Tax Abatement Program would be beneficial to homeowners in the low income brackets. Commissioner Simond stated that he would like to see State Representative Billy Clements put this suggestion on the agenda to take care of people who cannot afford to pay taxes.

Mayor Garrison officially closed Public Hearing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance for Tax Abatement for Reinvestment Zone be considered at First Reading on December 17. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ANNEXATION & PERMANENT ZONING - HIGHWAY 58 AT WHITEHOUSE DRIVE - RL

Mayor Garrison stated that the Commission had conducted a Public Hearing for annexation and permanent zoning on property located on Highway 58 and Whitehouse Drive earlier on the agenda and there had been no opposition.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance for Annexation be approved on First Reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance for Permanent Zoning to Residential Large be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - LULA LAWSON - 1609 SMITH STREET

Mayor Garrison stated that the Commission now had for consideration a Zone Change Request by Lula Lawson covering property located at 1609 Smith Street from Residential Medium to Residential Medium, Special Use (Beauty Shop). Mayor Garrison stated that the Zone Change Request had been recommended by the Planning & Zoning Commission on a vote of 5 to 1. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Ordinance be approved on First Reading as presented. A unanimous vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - WAYNE HAGLUND, AGENT - 156 DENMAN - RS TO NR

Mayor Garrison stated that the Commission now had for consideration a Zone Change Request by Wayne Haglund, Agent covering property located at 156 Denman from Residential Small to Neighborhood Retail. Attorney Jimmy Cassels with the firm of Cassels, Haglund & Clark appeared in representation of the Zone Change Request.

Commissioner Pat Foley stated that the Planning & Zoning Commission Minutes had reflected some concern regarding the parking. City Planner Nick Finan stated that there had been some discussion in regard to the parking, but after 25 minutes of discussion the Planning & Zoning Commission had unanimously passed the Zone Change Request.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. SPECIAL USE ZONE REQUEST - DENIED - CASA TOMAS RESTAURANT

Mayor Garrison stated that the Commission had received a request from Attorney Bill Perkins who was representing Thomas Renfro, owner of Casa Tomas Restaurant in the Lufkin Mall, to be placed on the agenda for tonight's meeting regarding a Private Club Permit.

Mayor Garrison stated that the Zone Change Request had been denied by the Planning and Zoning Commission on a vote of 5 to 1 and there had been some opposition expressed at the meeting.

Commissioner Pat Foley stated that he had worked with Mr. Renfro before and should recuse himself from consideration of this issue before the Commission.

Attorney Bill Perkins stated that he represented Thomas Renfro who owned the Casa Tomas Restaurant in the Lufkin Mall. Mr. Perkins stated that business was not as good as it was when the restaurant first opened and it was not economically feasible for Mr. Renfro to continue to operate his restaurant there. Mr. Perkins stated that Mr. Renfro had a Private Club Permit at his present location and was asking that the Permit be transferred to the proposed new location. Mr. Perkins stated that Mr. Renfro had made an agreement with the owner of the Sambo's Restaurant building located at 1102 S. Timberland to remodel and lease the building if the Special Use is granted for a Private Club Permit. Mr. Perkins stated that if Mr. Renfro is to compete with El Chico's and Casa Ole he will need a Private Club Permit at this location. Mr. Perkins stated that Mr. Renfro had originally started his business in the Lufkin Mall without a Club, and he considered his restaurant to be a "family restaurant", but without the club he could not keep up with his competitors. Mr. Perkins stated that Mr. Renfro has complied with every regulation, even the proper distance from the Church. Mr. Perkins stated that Mr. Renfro had never had a violation against him, and that the proposed location has been empty for several years and is deteriorating. Mr. Perkins stated that Mr. Renfro's business would be an asset to the community.

Mr. Perkins stated that it was brought out at the Planning and Zoning meeting that the surrounding restaurants are family oriented restaurants and he would like to point out that the Lufkin Mall has become a teenage hangout. Mr. Perkins stated that teenagers using the arcade and game room across from Casa Tomas have been using the restroom facilities of the restaurant and there has been no mishap. Mr. Perkins stated that he would suggest that there are more family people up and down the Mall than where Mr. Renfro proposes to locate.

Mr. Perkins stated that Mr. Renfro employees 30 people and has a substantial payroll which contributes to the City. Mr. Perkins stated that if Mr. Renfro complies with every regulation he should be allowed to move his restaurant. Mr. Perkins stated that he used to go to Sambo's when it was a restaurant and he had seen people there who were drunk. Mr. Perkins stated that he thought the community would be better off having a regulated, controlled and licensed facility there subject to having the licenses suspended or revoked than what the situation had previously been.

Mr. Perkins stated that he had brought letters to be presented to the Commission from the Second Baptist Church and from the Mayor of Huntsville, stating the good relationship they had with Mr. Renfro as a citizen.

Mayor Garrison recognized David Porter appearing in opposition of the Special Use Request. Mr. Porter stated that he was a member of the congregation of the First Christian Church. Mr. Porter stated that he would like to point out to the Commission that this request for

"Special Use" had been brought before the Planning & Zoning Commission and had been denied. Mr. Porter stated that the granting of this "Special Use" would create a precedent that would in essence allow Mr. Partovi, who had previously requested a change for the old Pizza Inn, Schlotzsky's and any other restaurant in the area to come before the Commission requesting a permit to sell alcohol.

Mr. Porter stated that the First Christian Church had been at this location for the past 30 years and the church maintains an active 6 day a week schedule with many activities involving youth. Mr. Porter stated that the intersection at this location is dangerous and a restaurant at this location which was licensed to sell alcoholic beverages would create an additional potential hazard. Mr. Porter stated that when the property in this area was originally developed it was developed as family oriented restaurants that sold food but not alcoholic beverages. Mr. Porter stated that in his opinion a restaurant selling alcoholic beverages in close proximity to a public park would cause additional problems. Mr. Porter stated that by granting a "Special Use" to this restaurant it would change the character of the zoning in the area.

Mr. Perkins stated that the character of the neighborhood was changed when the restaurants came in there. Mr. Perkins stated that the Church was at that location in 1954 when he began practicing law in Lufkin. Mr. Perkins stated that the Church is protected by the State law requirement of 300' which the applicant complies with and this is not an issue. Mr. Perkins stated that a dangerous intersection is at Highway 59 and the Loop where Casa Ole and El Chico's are located. Mr. Perkins stated that in the name of progress for the community he would ask that his client be allowed to continue in business at this location.

Those appearing in opposition of the Special Use request were: R. L. Cunningham, Marguarite Nutt, Dr. Curtis Keith, David Porter, Juliana Smith, Nannie Metlen, Lila Mae Bieroth, Patsy Head, Mary Read, Evelyn Paulus, Mrs. Robert Smith, Sandy Landrum, Bayo Hopper, Dana Hill, H. E. White, Jr., Ray Carswell.

The following objections were recorded:

1. Object to sell of alcoholic beverages in close proximity to Church.
2. Change character of residential neighborhood.
3. Additional traffic at dangerous intersection.
4. Property destroyed by intoxicated drivers.
5. Too close to public park.

In response to question by Commissioner Don Boyd, Mr. Perkins stated the Mall business has dropped off drastically and it is an economic factor that in order to stay in business Mr. Renfro must relocate.

In response to question by Commissioner Lynn Malone, Mr. Perkins stated that he must have the liquor sales in order to compete with restaurants like El Chico's and Casa Ole, and that he was at a decided disadvantage without alcoholic beverages.

Mr. Renfro stated that he considers his business to be a "family restaurant", he has been in the Mall for four years and does not intend to change the type of business or the type of procedures. Mr. Renfro stated that he had been in business for 15 years without a violation and he would do no harm to the neighborhood or the Church. Mr. Renfro stated that under the Ordinances of the City he felt he had the right to move to the new location.

Mayor Garrison stated that he had had a discussion of some length with Mr. Renfro several days ago. Mayor Garrison stated that he could understand the economics of moving the business out of the Mall

but that Lufkin doesn't have much to offer Mr. Renfro if this is the only location he could move too. Mayor Garrison stated that he was moved by the contention that this area is family-oriented type businesses in the triangle where McDonald's, Long John Silver's and Mazzio's are located. Mayor Garrison stated that when Mr. Renfro says that 25% of his business is for alcoholic beverages, that is an awful lot of liquor for sale. Mayor Garrison stated that it appears that it would be in Mr. Renfro's interest to get people to drink more. Mayor Garrison stated that the more alcohol that is sold the more dangerous the intersection becomes where the traffic criss-crosses in this area.

Commissioner Don Boyd stated that El Pollino's had operated in the area and traffic has not decreased since they closed. Commissioner Boyd stated that he could understand that the people in the area were concerned but he was in favor of free enterprise. Commissioner Boyd stated that he was born and raised in Houston and he could remember clubs around the church where he went. Commissioner Boyd stated that he believed in giving people a chance and that if people did not want to patronize this restaurant and business deteriorated, the business could close up.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading granting the change in the zoning laws requested by Casa Tomas which would enable the operation of a Private Club at 1102 South Timberland Drive. The following vote was recorded: Aye - Commissioners Boyd, Simond, Malone Nay - Commissioners Bronaugh, Gorden, Mayor Garrison Mayor Garrison declared the passage of the Ordinance failed by a vote of 3 to 3 and one being recused.

Mayor Garrison stated that he would like to point out that it would have taken six affirmative votes for the Ordinance to pass.

11. ZONING ORDINANCE - APPROVED - FIRST READING - REAR YARD REQUIREMENTS

Mayor Garrison stated that the Commission now had for consideration First Reading of an Amendment to the Zoning Ordinance regarding rear yard requirements. Mayor Garrison stated that this Amendment had been discussed at length at the last meeting of this Commission.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Ordinance be approved as presented. A unanimous affirmative vote was recorded.

12. CHANGE ORDER - APPROVED - CITY HALL CONSTRUCTION

Mayor Garrisons stated that the work on the new City Hall had barely gotten started and a Change Order in the amount of \$2,970 was being presented for consideration.

Jerry Hill stated that this was one of the items he thought the City was going to take care of. City Manager Westerholm stated that a bid had been let for the demolition of the house which did not include the foundation of the house or hauling it away. City Manager Westerholm stated that in addition there were 4 or 5 oak trees which had to be removed. City Manager Westerholm stated that the biggest cost was to haul the debris off.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Change Order in the amount of \$2,970 be approved as presented. A unanimous affirmative vote was recorded.

13. RIGHT-OF-WAY EASEMENT - APPROVED - ENTEX, INC.

Mayor Garrison stated that the Commission had for consideration the granting of a right-of-way easement deed to Entex, Inc. to relocate gas lines for the new City Hall project.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that right-of-way easement deed be granted to Entex, Inc. as requested. A unanimous affirmative vote was recorded.

14. BID - APPROVED - REDESIGNING OF SEWER PLANT

Mayor Garrison stated that the Commission now had for consideration the bids for the improvement at the Sewer Treatment Plant.

City Manager Westerholm stated that five bids were received and that BRB Construction of Topeka, Kansas was the low bidder at \$5,063,000. City Manager Westerholm stated that when the Treatment Plant was bid previously BRB Construction had come in second and had reduced their original bid by \$400,000.

City Manager Westerholm stated that due to an error in the calculations the City would now be \$93,000 short assuming the City could get a grant increase and at the worst it would be \$98,000.

City Manager Westerholm stated that he had talked with Tom Wolf and Mr. Wolf stated that the City could issue completion certificates of obligation to cover this shortage.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid of \$5,063,000 by BRB Construction Company be accepted as the lowest and best bid subject to the approval of the Regulatory Board. A unanimous affirmative vote was recorded.

In response to question by Mayor Garrison, Jimmy Griffith stated that there is a chance of negotiating to bring the cost down.

15. SELECTION OF ENGINEERS - TABLED - IMPROVEMENTS TO WATER PLANT

Mayor Garrison stated that the Commission had authorized in the new fiscal year budget improvements to the Water Plant in order to increase the pumping capacity. Mayor Garrison stated that the estimated cost would be \$100,000. City Manager Westerholm stated that the pumps have to be correctly designed and approved by the Health Department.

Commissioner Pat Foley stated that in previous meetings the Commission had discussed the distribution analysis and from some of City Manager Westerholm's comments it looked as if it would be on a forthcoming agenda for discussion. Commissioner Foley stated that in his opinion the Commission needs to do the Distribution Analysis first and figure out where all the bottlenecks are.

Mayor Garrison stated that this pump would enable the City to put into the system the water that is being pumped from the wells. Mayor Garrison stated that there is enough water coming from the wells that would exceed the amount of capacity the City has to pump into the present system and larger pumps would give the City greater capacity into the system. Mayor Garrison stated that it might be better to have the same engineers to do the computerized study of the distribution and include the engineering for the pumps.

Billy Simms stated that a distribution analysis would take a minimum of three months.

Floyd Long stated that one of the pumps that needs to be replaced was there 40 years ago when he first came to work for the City.

In response to question by Commissioner Bronaugh, Floyd Long stated that it would take as long as three months getting the pump here after they receive the design and he would like to have it replaced by April.

Mayor Garrison stated that he would suggest deferring the decision of selecting the engineers to next meeting of this Commission.

City Manager Westerholm stated that money had been budgeted for the pumps. Commissioner Foley stated that when the Water Study was done the City had budgeted \$50,000 and it had cost \$30,000 to do the Study so there should be some money left from that budget.

16. CABLE TV FRANCHISE - ENGAGEMENT OF CONSULTANTS - TABLED

Mayor Garrison stated that at the last meeting of this Commission he had his date wrong and instead of July 20, 1976, it should have been August 3, 1976, which means that the City's present contract with Cablecom will expire on August 3, 1986. Mayor Garrison stated that the City is well within the time to give notice of cancellation of the franchise between the 6 and 9 months period preceding the end of the 10th year. Mayor Garrison stated that if the Commission were so inclined a Resolution had been prepared giving notice of termination. Mayor Garrison stated that after talking with City Attorney Flournoy, he began thinking that if the City was going to hire a consultant we should let the consultant be involved in preparing the notice of termination and that the City has until February 3, 1986, to give the notice.

Mayor Garrison read the Resolution as prepared by City Attorney Bob Flournoy.

Mayor Garrison stated that the Resolution could be adopted and that the City could make an amendment to the Resolution between now and February 3rd if changes were needed.

Commissioner Percy Simond stated that he had talked with Wayne Neal on several occasions about service not being extended to the Cedar Grove area and Mr. Neal had told him there were not enough people to justify the service. Commissioner Simond stated that Mr. Neal has since told him that cable will be available to this area.

Commissioner Simond stated that when this issue was discussed at last meeting he did not know the City would abruptly bring up an Ordinance to cancel the contract with Cablecom without discussing it more fully. Commissioner Simond stated that he did not have any thought in mind of cancelling the franchise.

Commissioner Simond stated that he had a problem with the letter from Charles Woodard, and that he takes umbrage with the fact that they are in New York telling the City of Lufkin to cancel the franchise. Commissioner Simond stated that he would like to see the Cablecom contract renewed if the company came into compliance with the new act that Congress has passed.

Mayor Garrison stated that the only way the City could bring the subject of better service to Cablecom's attention was by giving notice of cancellation. Mayor Garrison stated that he did not mind making a new agreement with Cablecom or the people who were buying them out, but the only way the City can get it's foot in the door is to give notice of a possible cancellation, then the cable company will come to the City and work out a solution. Mayor Garrison stated that if the City lets this matter go past the six months time period then the City is "dead" for another five years.

Commissioner Don Boyd stated that if the City has until February 3 to make their decision, the City could negotiate now with Cablecom and come up with an agreement and if the City isn't satisfied with same, on February 3rd they could terminate the service. Commissioner Boyd stated that from a business standpoint he couldn't see a company doing \$100,000 worth of improvements to a service with the threat of cancellation over their heads. Commissioner Boyd stated that he objected to paying a consultant firm \$85 an hour when the City could meet with Cablecom and work out an agreement. Commissioner Boyd stated that in his opinion there were people on the City staff who were capable of conducting a study of the needed improvements.

Commissioner Pat Foley stated that since he was unable to attend the last Commission meeting and did not hear the discussion about the Cablecom franchise, he had invited Wayne Neal to come by his office for a visit. Commissioner Foley stated that he had had a few complaints about the system but in his opinion the system was not all that bad. Commissioner Foley stated that he had had the opportunity of visiting other Cities and looking over their systems and in his opinion the problems that Lufkin was having were no worse than the other Cities' problems. Commissioner Foley stated that he was not prepared to cancel the system at this point. Commissioner Foley stated that in visiting with Mr. Neal it was pointed out that some information had been prepared a month or so ago on additional services Cablecom was willing to provide. Commissioner Foley stated that Mr. Neal had left some information with him on the cost of the improvements and his suggestion would be to sit down and review the existing Ordinance with Cablecom and see if the City could work out a satisfactory arrangement with them.

Commissioner Boyd stated that if another company was engaged for this service there would be no guarantee that the City would not have the same type of problems.

Mayor Garrison stated that it was not his intention to try and influence the Commission but when the subject was brought up at last meeting everyone seemed to be in agreement that something needed to be done and that is why he had it put on the agenda. Mayor Garrison stated that if the City wants to speak with authority it would have to do so under a notice of termination or we would be locked in for another five years and there would be nothing we could do about it.

Commissioner Simond stated that he had had a misconception about the service going out when it was raining. Commissioner Simond stated that he had talked with some people in Tyler with expertise in this field and that they told him there was nothing anyone could do when it is raining between here and Houston if you are on the microwave. Commissioner Simond stated that if the City could get on the same satellite as AT&T there would be no problem, but that is prohibited by Federal Communications.

Commissioner Bronaugh stated that the consultants that he had looked at were apparently all attorneys or people involved in the legal aspects of the franchise. Commissioner Bronaugh stated that in his opinion we all had doubts on occasion about the system and whether it is adequate for the money we are paying, and he would like to see a consultant or electronics expert come in and evaluate the equipment that Cablecom has and then make recommendations to the City.

Mayor Garrison stated that we need to get the best service available for the City and we need to know if we can get more reliable microwave primarily. Mayor Garrison stated that if we don't follow through on this then we will have a contract for another five years and Cablecom will not have to do anything.

Commissioner Simond stated that he was not adverse to hiring a consultant even though \$85 was a little high. Commissioner Simond stated that he would like to know who called Cablecom about cancelling the contract and Mayor Garrison stated that he had called Wayne Neal and told him the City was considering cancelling the Cablecom contract. Mayor Garrison stated that by giving notice of cancellation perhaps it would open the door for negotiations.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Resolution be tabled and negotiations be opened with the Cablecom Company for revision of the franchise to come into compliance. A unanimous affirmative vote was recorded.

Commissioner Jack Gorden stated that since he had been in office he had had more complaints about the cable system than any other subject.

17. SIAMESE CROCODILE EXHIBIT CONSTRUCTION - APPROVED - LUFKIN ROTARY CLUB

Mayor Garrison stated that under the City's policy no new exhibits could be instituted at the Zoo without the Commission's approval and the Lufkin Rotary Club has donated \$6,000 to construct a Siamese Crocodile Exhibit. Mayor Garrison stated that the animals are already in our collection and no additional maintenance cost will be incurred.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that construction of Siamese Crocodile Exhibit to be funded by Lufkin Rotary Club be approved as presented. A unanimous affirmative vote was recorded.

18. BID - APPROVED - HYDRAULIC TELESCOPING BOOM EXCAVATOR - STREET DEPARTMENT

Mayor Garrison stated that the Commission now had for consideration a bid on a Hydraulic Telescoping Boom Excavator to be used in the Street Department.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that bid of \$103,600 from Plains Machinery be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

19. CABLECOM, DISCUSSED - POLICE STUDY REPORT, DISCUSSED - TRAFFIC LIGHT AT PERSHING & LOOP - GARBAGE AT SAYERS & LOOP

Mayor Garrison stated that he would turn the meeting over to Mayor pro tem Foley as he had plans for the evening. Mayor Garrison stated that in regard to the Cablecom service if this is the best the City can get then that's O.K., but he would like to get the best service available. Mayor Garrison stated that Merl Saxon was someone who could be contacted for a recommendation on the present system.

Commissioner Percy Simond stated that in his opinion the City Commission could have consultants brought in to discuss the situation and the item could be placed on the January 7th agenda for further discussion.

Commissioner Don Boyd stated that he would like to thank Assistant City Manager Brian Boudreaux for the report on the Police Study and he would like to have the Police Study placed on the agenda for discussion at the next meeting of the Commission and ask the Police Chief to be present.

Commissioner Simond stated that he hoped the consultants on the Cable TV would be impartial and he wasn't concerned about paying \$85 an hour but just wanted objective opinions.

City Manager Westerholm stated that he had talked with the Cities of Dallas and Austin and the firms of Rice & Woodard had been highly recommended as the best in the nation.

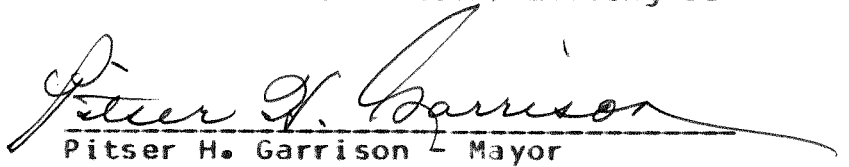
Commissioner Simond stated that he was concerned about the area of Sayers and the Loop being used as a garbage dump. Commissioner Simond stated that people all over the City had been using this area to dump garbage. Public Works Director Ron Wesch stated that he had investigated and found that someone in the downtown area who was demolishing a building had been dumping their refuse there as opposed to taking it to the landfill. City Manager Westerholm stated that he would investigate and report the results to Mr. Simond.

Commissioner Jack Gorden stated that the lights at the intersection of Pershing and the Loop were going out frequently and were constantly being worked on. Public Works Director Ron Wesch stated that there are thousands of computer chips in these systems and the same one had been going out for the past two months. Mr. Wesch stated that the man who invented this system will be coming down to replace the controller box.

In response to question by Commissioner Bronaugh, City Attorney Bob Flournoy stated that the City has to either cancel the current contract or work out the problems of the franchise. City Attorney Flournoy stated that some leverage in this instance would help and that had been the point the Mayor had been trying to make and he had also suggested that Merl Saxon be contacted prior to the next meeting.

City Manager Westerholm stated that he wanted to remind the Commissioners of the Open House ceremonies at the Angelina House Friday at 2:00 P.M. City Manager Westerholm stated that first Friday would be held on Thursday this month and Billy Reagan from the Houston School District would be the speaker.

20. There being no further business for consideration, meeting adjourned at 7:34 P.M.


Pitser H. Garrison - Mayor

ATTEST:


Atha Stokes - City Secretary