

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF NOVEMBER, 1975, AT 5:00 PM

On the 18th day of November, 1975, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

E. G. Pittman	Commissioner at Large, Place B
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Bill Fowler, Pastor of First Church of the Nazarene, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
3. Open Hearing-Annexation & Permanent Zoning-A. B. Youngblood, Jr.
Tulane Drive

Mayor Garrison stated that the City Planning and Zoning Commission had previously held a hearing for annexation and permanent zoning on request by A. B. Youngblood, Jr., covering property located South of Loop 287 and West of Tulane Drive, adjacent to existing City Limits. Mayor Garrison stated that Mrs. Youngblood was present to answer any questions members of Commission may have regarding annexation.

Mrs. Youngblood stated that she owned the balance of property between Tulane Drive and City Limits which had been recommended for annexation and permanent zoning to C District by the City Planning and Zoning Commission.

Mayor Garrison stated that City staff had furnished members of Commission information regarding established cost, taxes and liabilities for proposed annexation which reflected that annexation request as proposed would be at no additional cost to the City, but consideration should be made for including area South of proposal as shown in map provided members of Commission. Mayor Garrison further stated that map prepared by City staff indicated additional area that should be considered as opposed to a piece-mill annexation as proposed. Mayor Garrison stated that City staff would recommend the inclusion of area West of Tulane Drive on either side of Harmony Hill Drive to existing City Limits.

Mrs. Youngblood informed members of Commission that she had only requested annexation and permanent zoning of area as recommended by the City Planning and Zoning Commission and advertised for public hearing at this meeting.

A lengthy discussion developed and City Attorney Flournoy stated that consideration of additional property South of area proposed would necessitate the notification of additional property owners. City Attorney Flournoy stated that if the property owners South of Harmony Hill Drive desired to participate in annexation, state regulations regarding minimum annexation width would not be applicable.

Mrs. Youngblood stated that she did not desire to annex more of her property than proposed in original request.

Mayor Garrison declared hearing officially closed.

There were no persons present appearing in opposition to proposed annexation and Comm. E. C. Wareing recommended that consideration be made for annexation of property to extend to North boundary line of Harmony Hill Drive to evenly square property and same be re-advertised for public hearing and reconsideration.

Comm. W. O. Ricks, Jr., expressed his concern that property not be annexed unless same could be annexed to extend to North boundary line of Harmony Hill Drive to provide for an evenly squared block of property. Comm. Ricks made motion that ordinance be denied for approval of annexation in accordance with request as presented.

Comm. E. C. Wareing explained to Mrs. Youngblood that members of Commission had not opposed the zoning of this property and the only question regarding proposal as submitted was presented due to the irregular shape of property that would be annexed.

Comm. W. O. Ricks, Jr., withdrew his previous motion to deny ordinance for annexation of this property, and made new motion based on recommendation made by City Attorney, not to consider annexation and permanent zoning of this property on first reading due to the majority opinion of this Commission opposing the irregular shape of property being considered. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. R. A. Brookshire expressed his concern regarding request and amount of annexation cost involved to the City which had been expended in the processing of application to its present position before Commission. Comm. Brookshire also stated he was of the opinion that if this property could be developed, it should be annexed to off-set these costs and requested members of Commission consider same.

Previous motion to deny consideration of annexation and permanent zoning request by A. B. Youngblood, Jr., for first reading of ordinance at next regular meeting received the following vote:

Voting Aye: Mayor Garrison, Comms. Pat Foley, Joe E. Rich, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Comm. R. A. Brookshire

Mayor Garrison declared motion approved by majority vote of five to one.

5. Texas Power & Light Company-Rate Increase Request Approved 2nd Reading

Mayor Garrison stated that Mr. J. B. Manning, Mr. John Smith and other representatives of Texas Power & Light Company were present to speak in behalf of their request for rate increase which had been approved by Commission on first reading of ordinance at last regular meeting.

Comm. W. O. Ricks, Jr., asked Mr. Smith if rate increase request before the City of Commerce, Texas, one of the three cities holding a franchise with Texas Power & Light Company, had been withdrawn. Mr. Smith stated that he could not answer this question and was not familiar with same.

City Manager Westerholm stated that application by the City of Commerce for rate increase request had been withdrawn and the City of Commerce generated its own power.

There were no persons present appearing in opposition to 9.6 percent rate increase request as proposed by Texas Power & Light Company. Comm. W. O. Ricks, Jr., reminded members of Commission of his preference for approving a uniform increase establishing a sufficient across-the-board consideration to all income levels.

Comm. E. C. Wareing made motion that rate increase request by Texas Power & Light Company providing for a 9.6 percent increase based on the schedules of rates as previously reviewed, be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire.

Prior to vote on motion, Comm. E. C. Wareing requested a point of clarification by City Attorney regarding ordinance as proposed and whether or not same was based on the Texas Power & Light Company franchise or as a contract. City Attorney Flournoy stated that it was on a contract basis.

Comm. Pat Foley stated he felt the rate increase request should be granted based on report submitted by Touche Ross recommending an 8.2 percent increase. The following vote was recorded to previous motion and second to approve request for 9.6 percent increase:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Joe E. Rich, E. C. Wareing

Voting Nay: Comms. Pat Foley and W. O. Ricks, Jr.

Mayor Garrison declared motion approved by majority vote of four to two.

6. Zone Change Approved 2nd Reading-Salvation Army from CB District to CB District & Special Use, Item 3

Mayor Garrison stated that zone change application by Salvation Army from CB District to CB District & Special Use, Item 3, covering property located between South Second and South Third Streets at intersections with Jodie Avenue had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to proposed zone change and Comm. Joe E. Rich made motion that zone change application by Salvation Army from CB District to CB District & Special Use, Item 3, be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Bids Approved-Fire Department-Two Ambulance Conversion Vehicles

City Manager Westerholm reported that the City staff had submitted a bid tabulation for consideration by members of Commission regarding purchase by Fire Department of two ambulance conversion vehicles. The recommended low bid meeting specifications required by the Fire Department was Angelina Chevrolet-Cadillac Company in the amount of \$12,116.64 for both vehicles. Comm. W. O. Ricks, Jr., made motion that bid by Angelina Chevrolet-Cadillac Company in the amount of \$12,116.64 be accepted for the purchase of two ambulance conversion vehicles. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. Pat Foley inquired as to why Doug Williamson Dodge had not met specifications. City Manager Westerholm explained that Doug Williamson Dodge could not furnish a vehicle with an 80 amp alternator which was required and bid as indicated would only provide a 65 amp alternator.

Previous motion and second to approve low bid submitted by Angelina Chevrolet-Cadillac Company received a unanimous affirmative vote.

8. Resolution Approved-Human Services Delivery System-DETCOG

City Manager Westerholm stated that members of Commission had been furnished a copy of information regarding the Human Services Delivery System (HSDS) program which could be made available to the citizens through DETCOG in an effort to reduce and eliminate poverty and improve quality of area living standards. A resolution had been requested for consideration and approval by members of this Commission authorizing the HSDS to operate in the City of Lufkin.

Mayor Garrison read copy of resolution to members of Commission for consideration and Comm. E. C. Wareing made motion that resolution be approved authorizing the HSDS to operate in the City of Lufkin and also authorizing three agencies within the Lufkin area, to include Lufkin Workshop & Opportunity Center, Lufkin Composite Squadron of the Civil Air Patrol and Council for Lufkin State School and HSDS to implement needed social services projects. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison recognized Mary Bodley of the DETCOG appearing in representation of proposal for consideration of resolution as approved. Mrs. Bodley reviewed various local agencies having submitted letters of support and thanked members of Commission for their consideration.

9. City Budget Amended-Annual Employee Christmas Banquet Approved

Mayor Garrison stated that members of Commission reviewed the possibility of reinstating the annual Christmas banquet in the present City Budget. Comm. E. C. Wareing made motion that the present City Budget for the current fiscal year be amended in the amount of \$1,300 by removing this same amount from the Contingency Fund for use in this regard as previously discussed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

10. Cablecom General, Inc. - Request for Rate Increase Postponed

Mayor Garrison stated that Mr. Tom Lacey, Regional Manager for Cablecom General, Inc., and local manager, Wayne Neal, were present in behalf of rate increase request. Mayor Garrison recognized Mr. Tom Lacey who reviewed a request for rate increase by explaining certain information on prepared charts.

Mayor Garrison expressed his concern that the majority of the members of this Commission desired more time to review overall proposal submitted. Mayor Garrison asked Mr. Lacey to explain what authority Cablecom General was using to legally qualify for a rate increase request inasmuch as initial franchise from 1959 had not expired. Mr. Lacey stated that the 5th Amendment to the U. S. Constitution differentiated between a contract entered into between two private individuals and a contract which is entered into between governmental bodies and a business. Mr. Lacey further stated that no governmental body could deny the right of property to a business or individual. Mayor Garrison asked Mr. Lacey if he had a brief prepared stipulating these particular requirements that may be considered by members of Commission. Mr. Lacey stated that he had only been advised of this information from his legal counsel, but same would be provided members of Commission. Mr. Lacey then reviewed various prepared charts indicating overall proposals as provided in information previously furnished members of Commission concerning the history of Cablecom General, costs incurred by the company and additional information regarding overall request, including the following request for rate increases:

1. Monthly Service Charge
 - a. All residential and commercial units, one outlet \$7.75
 - b. Apartments and trailer parks billed as a unit, per occupied unit \$7.75
2. Monthly Additional Outlet Charge
Additional outlets, each \$1.50
3. Connection Charges
 - a. Any installation, reconnection or relocation of first outlet \$15.00
 - b. Any installation, reconnection or relocation of each additional outlet:
 1. If done at same time first outlet if connected \$ 7.50
 2. If requires separate trip \$15.00

Members of Commission asked Mr. Lacey a number of questions regarding present system. Mr. Lacey informed Commission that he would later provide more information regarding overall request.

Mayor Garrison requested that Mr. Lacey include in his next report to this Commission information regarding the capital history of his company. Comm. W. O. Ricks, Jr., requested Mr. Lacey furnish members of Commission a list of the 40 companies involved in his cable system.

Comm. R. A. Brookshire asked Mr. Lacey how many years he had been employed with Cablecom General and when contract was signed with City of Lufkin for present franchise. Mr. Lacey stated that he had been employed with Cablecom General for approximately two years and franchise was originally approved for the City of Lufkin in 1959.

Comm. Brookshire stated that it was the general feeling of the public that previous years of problems with the old Vumore Company had been extremely difficult to forget and a request for rate increase may be premature. Mr. Lacey acknowledged the company's previous mistakes and explained his company was willing to work with the public in any way possible to keep the present system at its best. Comm. Brookshire further stated that the citizens deserved a good service by his company without an increase at the present time. Comm. Brookshire also inquired as to the monthly billing policy of the company which should provide for a monthly billing cycle for those customers who desired same.

Comm. Pat Foley inquired regarding extensions being completed by Cablecom General and Mr. Lacey stated that same were expensive, but most had been completed at present.

Mayor Garrison re-emphasized the fact that the present franchise with Cablecom General was in effect for a 20-year period, and in his opinion, rates were fixed until the franchise expired. Mr. Lacey stated that he would review this information with his legal staff and provide comments regarding same at next regular meeting. Mayor Garrison stated that members of Commission would reconsider request by Cablecom General at next regular meeting due to proposed review of additional information to be presented by Mr. Lacey. Further consideration of request was then tabled by Mayor Garrison on his own volition.

11. City Court Report - Legal & Tax Depts. Complimented

Comm. R. A. Brookshire stated that he had reviewed recent court report submitted by Judge David Cook of November 13, 1975, which indicated payments of \$1,760 and \$1,670 being forwarded to the Criminal Justice Fund in Austin for the months of September and October, respectively. Comm. Brookshire expressed his personal gratitude for the fine job completed by the Legal Department and members of Commission joined in opinion of Comm. Brookshire.

Comm. Brookshire also recognized the fact that the City Tax Department had recently submitted report regarding collection of delinquent taxes which reflected considerable success. Comm. Brookshire stated that the Tax Department should also be commended for their fine work in this regard.

12. Department of HUD-Disc. of Section VIII Participation

Comm. E. C. Wareing inquired as to the specific interpretation of a recent letter received from Manuel Sanchez of HUD regarding the City's denial of application for funds under the Section VIII housing program. Comm. Wareing asked that City Manager Westerholm clarify recent letter as to whether or not same would render the City ineligible for future grants in other areas if the Section VIII program was not accepted.

Comm. Pat Foley asked City Manager Westerholm if it would be possible to discuss this with our Congressmen whether or not same involved an interpretation of the law or a statement made by a bureaucrat.

Comm. E. C. Wareing asked City Manager Westerholm if a letter of clarification could be obtained from our Congressmen which would indicate what was conveyed in recent letter received by the City regarding Section VIII program.

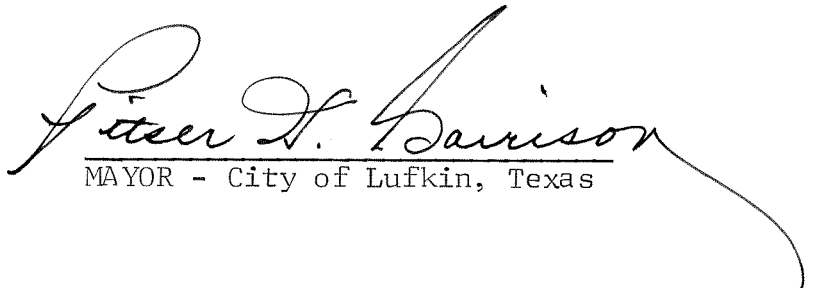
Mayor Garrison expressed his concern that members of Commission must resolve the question of cooperation under Section VIII and whether or not other grants should be considered. Mayor Garrison also stated that as long as participation under Section VIII was the law of the land, he was of the opinion this Commission should make the decision to participate under Section VIII in order that the citizens of the community would not be deprived of needed funds under additional programs.

Comm. Pat Foley expressed his concern that more information be obtained by the City Manager as to whether or not recent letter received from HUD was the law of the land or a bureaucratic threat.

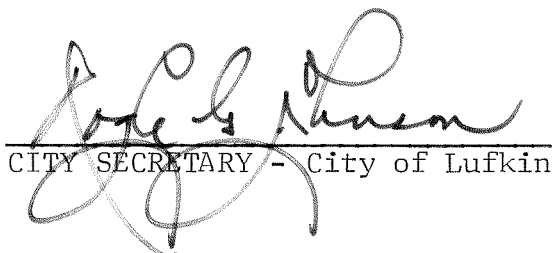
Comm. R. A. Brookshire inquired as to what the City Commission must do if it was determined that information received from HUD was "not the law of the land". Mayor Garrison stated that information being sought by the City Manager should help clarify this question, but providing same was "not the law of the land", members of Commission should seriously review the overall question in order that the right decision could be resolved for the benefit of this community.

13. Adjournment

There being no further business for consideration, meeting adjourned at 6:45 p.m. into an executive session to consider a question regarding City staff personnel and a real estate transaction.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin