

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF DECEMBER, 1975, AT 7:30 p.m.

On the 2nd day of December, 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
Pat Foley	Commissioner, Ward No. 2
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

R. A. Brookshire	Commissioner, Ward No. 1
Joe E. Rich	Commissioner, Ward No. 3

being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Hollis Flarity, Pastor of Keltys Methodist Church, 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. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of November 18, 1975, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Appointment of Members - Zoning Board of Adjustment & Appeals - Rev. L. D. Bell & Carl Lively

Mayor Garrison stated that terms of office had expired for two members of the Zoning Board of Adjustment & Appeals and each member had agreed to serve additional term at the approval of this Commission. Mayor Garrison stated that Mr. Lively could not be present at this meeting and suggested members of Commission consider appointments. Comm. E. C. Wareing made motion that Rev. L. D. Bell and Carl Lively be appointed to serve additional two-year terms as members of the Zoning Board of Adjustment & Appeals. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mayor Garrison then administered the official oath of office to Rev. L. D. Bell who was congratulated by members of City Commission.

5. 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 again present in behalf of rate increase request which was initially considered at last regular meeting. Mayor Garrison recognized Mr. Lacey who reviewed information from last regular meeting and additional material involving questions members of Commission had presented. Mr. Lacey presented members of Commission copies of rate schedules for various cities and informed members of Council that these monthly rates ranged from \$4.75 to \$10.00 per month depending on the type of service for the individual cities. Information reviewed by Mr. Lacey also contained a rate history for the City of Tyler, Texas, and additional information regarding legal justification for rate increase request.

Mr. Lacey reviewed various sections of the legal information and members of Commission asked Mr. Lacey a number of questions regarding proposal. Mayor Garrison expressed his concern as to whether or not the City of Lufkin could receive the same amount

of TV service on a four-channel system as on the present 11-channel system being furnished citizens of the City. Mr. Lacey stated that networks did not always duplicate each other and additional channels offered by Cablecom provided necessary back-up stations in times of emergency.

There were no persons present appearing in opposition to proposed increase request as presented. Comm. Pat Foley requested that members of Commission be provided additional time to review information as presented by Mr. Lacey and made motion that further consideration of increase request be postponed until next regular meeting. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. E. C. Wareing asked City Attorney Flournoy if it was mandatory that the City regulate a community television system and under what authority, if provided by regulation. City Attorney Flournoy stated that the City Commission was not obligated to grant similar franchises, but the Commission, in a contract of this nature, was granting the use of City streets and its utility poles. City Attorney Flournoy further stated that he had not had an opportunity to review information which was presented by Cablecom General at this meeting regarding the legal aspects involved and he would personally like to read additional information as provided prior to making final recommendations. Comm. Wareing further stated that provided the Commission did allow a franchise, a fair rate of return should be given.

Comm. W. O. Ricks, Jr., expressed his opinion that the present contract with Cablecom General was for a period of 20 years and the main question that should be considered by members of this Commission was whether or not the contract was enforceable for a 20-year period under the rates currently being paid at \$5.95 per month.

Mayor Garrison stated that he would like to review minutes from the previous meetings during 1958 when original contract was approved. Mayor Garrison further stated that he was of the opinion that Cablecom was presently giving reasonable service which was contrary to the many problems of the past. Mayor Garrison stated that Cablecom should be looking forward more to renewing its 20-year contract on expiration in 1979.

Comm. E. C. Wareing expressed his opinion that a community antenna service was not as much a necessity as many other important items and he personally disliked the idea of the City being in the business of regulating these type services. Comm. Wareing further stated that he would like to see the City remove itself from this "middleman" situation.

A unanimous affirmative vote was recorded to previous motion to postpone further consideration of Cablecom General rate increase request until next regular meeting on December 16, 1975.

6. A. B. Youngblood, Jr.-Request for Annexation & Permanent Zoning-Tulane Drive-Hearing Date Set

Mayor Garrison stated that Mr. Richard Youngblood was present to request members of Commission reconsider annexation and permanent zoning of his property as reviewed during last regular meeting based on new request presented. Mayor Garrison further stated that Mr. Youngblood had now requested a new hearing date be set based upon the fact that additional property would be involved containing all of the property owned by the Youngbloods West of Tulane Drive, South of Loop 287 and North of Harmony Hill Drive.

Comm. W. O. Ricks, Jr., made motion that hearing date be set for December 16, 1975, at 5:00 p.m. for annexation and permanent zoning of this property based on new request presented by Mr. Youngblood. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. Pat Foley inquired as to the effect this particular annexation request would have on the new voting rights act which had recently been approved for the state of Texas.

Considerable discussion developed and it was the conclusion of the City Attorney that this annexation, to include previous annexations back to the year 1972 under the present regulation, would have to be submitted to the Attorney General for federal pre-clearance. A unanimous affirmative vote was recorded to previous motion and second.

7. Zone Change Application Approved-Mrs. Herman Adams from C District to R-3 & C District

Mayor Garrison stated that Mrs. Sonja Vickers, daughter of Mrs. Herman Adams, was present regarding zone change application by Mrs. Adams from C District to R-3 & C District covering property located at the Northwest corner of Paul Avenue and Judith Street intersection. Mayor Garrison further related a brief history of this application and asked City Attorney Flournoy to comment regarding same.

City Attorney Flournoy stated that he had recommended consideration of a double zone for this property based on the unusual circumstances involved and same would not, to his knowledge, present any legal problems.

There were no persons present appearing in opposition to zone change. Comm. W. O. Ricks, Jr., made motion that zone change application by Mrs. Herman Adams from C District to R-3 & C District be approved on first reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

8. Sanitary Sewer Collection System-Keltys Area-Approval of Bids

City Manager Westerholm stated that bid tabulations had been prepared by the City staff and submitted for consideration by members of Commission. Members of Commission first reviewed bid tabulation submitted for sewer collection system. City Manager Westerholm stated that of the 12 bids submitted in this area, low bids were indicated on bid tabulation and all met specifications as requested. City Manager Westerholm further stated that members of Commission had the alternative of deciding between polyvinyl-chloride pipe and vitrified-clay pipe.

Comm. E. G. Pittman inquired as to the difference in durability between the PVC and VC pipe. Comm. W. O. Ricks, Jr., explained that the VC pipe was a clay-type pipe and provided a longer-lasting durability than the poly-vinyl-chloride type pipe and the purchase of the more expensive VC pipe would be a considerable advantage to the City from a long-range standpoint. Comm. Ricks then made motion that the following low bids be approved for the various categories submitted and companies involved:

<u>Name of Company</u>	<u>Bid Amount</u>	<u>Item</u>
W. S. Dickey Clay Mfg.	\$24,193.02	VC pipe & fittings
Municipal Pipe & Fab.Co.	\$19,635.00	Fiberglass manholes
Municipal Pipe & Fac.Co.	\$ 3,822.00	Manhole rings & covers
Coburn's	\$ 2,315.22	Cleanouts & cast iron pipe

Motion by Comm. Ricks approving bid amounts as listed above for the various categories was seconded by Comm. Pat Foley.

Prior to vote on motion, Comm. E. C. Wareing inquired as to the amount of money the recently approved block grant would furnish toward this project. City Manager Westerholm stated that approximately \$63,000 had been appropriated for this expenditure and the total amount of bids as listed above was only \$49,965.24 which would place the City safe within the appropriated budget.

A unanimous affirmative vote was then recorded to previous motion and second to approve bids as indicated.

Members of Commission then reviewed bids for uniforms to be used by Public Works personnel. City Manager Westerholm stated that a question had been presented as to whether or not the bid submit-

ed by Industrial Towel & Uniform Company in the amount of \$28.01 for each complete uniform met specifications as requested by the City staff. City Manager Westerholm stated that it had been concluded by the City staff that these particular uniforms did not meet the requested material weight to include additional items required by specifications. City Manager Westerholm then recommended members of Commission accept the next lowest bid which did meet specifications submitted by Uniforms by Factory Sales in the amount of \$31.20 per uniform.

A lengthy discussion developed and Mayor Garrison requested members of Commission, in the future, be furnished records on bids of this nature when specifications were not met which would point out discrepancies in these specifications on a comparison table.

Comm. Pat Foley made motion that further consideration of bids on uniforms for the Public Works Department be delayed until next regular meeting to provide members of City staff an opportunity to furnish information regarding particular deviations from specifications. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Disc. of Housing Development Within Corporate Limits-Home Builders Association

Mayor Garrison stated that Mr. Tom Gann was present to speak as President of the Home Builders Association regarding their proposal for encouraging housing development within the corporate limits. Mayor Garrison further stated that members of Commission had previously been furnished information from Mr. Rufus Duncan and Mr. Tom Gann in this regard.

Mayor Garrison recognized Mr. Gann who reviewed the basic problems of housing development in the City. Mr. Gann stated that there was a considerable need for middle-low income lots and homes ranging from \$25,000 to \$30,000. Mr. Gann also reviewed the problems experienced by developers who were developing housing additions a mile or more outside the City Limits due to heavy City restrictions. Mr. Gann stated that the Home Builders Association had recently met with the City staff and previously with the City Commission and members of the Association were willing to make every effort to smooth out current conflicts with City regulations and develop existing property inside the corporate limits. Mr. Gann further stated that the Association desired to encourage development of as many lots within the corporate limits as possible.

Mr. Gann suggested several areas that could be improved and encouraged this development to include the possible allowance of strip-paving in some areas and consideration of a method of reimbursing a developer on water and sewer installation costs if streets were constructed entirely of concrete with curb and gutter.

Mayor Garrison inquired of Mr. Gann as to what concrete plans were in effect at the present time. Mr. Gann stated that he would formulate a concrete plan for consideration by members of Commission if they desired and he had successfully worked with the City staff and was of the opinion that information could be obtained through the City Manager in this regard to assist in the development of a concrete plan for his association.

Mr. Gann further added that consideration to relieve some of the existing problems may be in order to provide less severe setbacks for side-lots than proposed under existing zoning regulations. Mr. Gann stated that he would like to see new areas constructed in Lufkin that could provide for the frame home.

Comm. E. G. Pittman stated that he did not necessarily totally agree with suggestions as presented by Mr. Gann, but was appreciative of the fact that information presented was not entirely composed of complaints, but constructive information that would be beneficial in attempting to solve current problems.

Comm. E. C. Wareing inquired of Mr. Gann as to whether or not he had discussed the valuation on vacant property to the extent that the City may impose a tax for unused property. Mr. Gann stated that this type utility tax had been discussed by his association, but had not presently been recommended. Comm. Wareing further inquired of Mr. Gann if he was familiar with the Cities that were using this type utility tax for discouragement of holding vacant property. Mr. Gann stated that he was familiar with the use of this tax with some cities and this information could be presented if desired.

Mayor Garrison recognized Mr. Dick Gardemal who stated that he would like to see the possibility of \$15,000 homes being constructed in the City and recommended certain City regulations be relaxed for the development of this type facility. Mayor Garrison inquired as to what restrictions could be lifted to assist in this problem. Mr. Gardemal stated information reviewed by Mr. Gann in this regard would assist the situation considerably.

Mayor Garrison also recognized Mr. J. A. Bryant, a local builder who was present. Mr. Bryant inquired as to whether or not various sections of the old part of the City could allow the construction of smaller homes, and if new homes could be built in these locations. Mayor Garrison stated that he was of the opinion that improvements could be made in these areas.

Mr. Gann further stated that he was of the opinion the City could gain encouragement for developing property by reducing the amount of ROW in some areas. Mr. Gann stated that this would give the developer more lots per acre and also allow a home-owner less area for development. Mr. Gann suggested that the City consider a utility easement in lieu of a ROW easement in this regard.

Mayor Garrison invited members of the Home Builders Association and other individuals present appearing in behalf of this discussion for future comments before this Commission and stated that the City Council was willing to work with the Home Builders Association in an effort to solve the existing problems and to encourage the development of housing within the corporate limits.

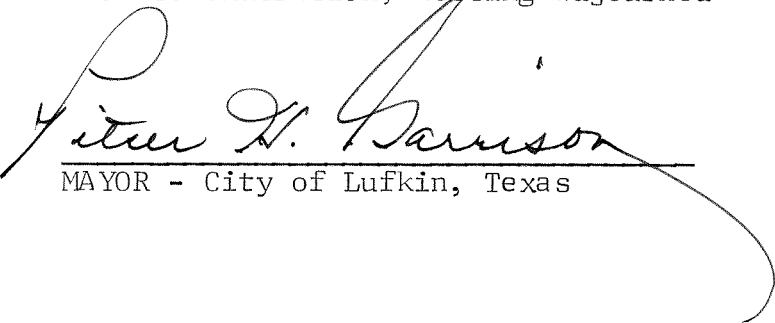
10. Pre-Application for Community Development Block Grant-1976- Authorization

City Manager Westerholm stated that pre-application for the Community Development Block Grant for 1976 must be completed by December 15, 1975, and if members of Commission desired the City to make an additional application, authorization to begin this application would be necessary. Mr. Westerholm explained that this application would be similar to the one recently approved in the amount of \$300,000 in the Keltys area, but funds could be used in any areas designated requiring similar improvements.

Mayor Garrison suggested that, providing members of Commission decided to authorize pre-application, same should apply to a more extensive area. Comm. Pat Foley made motion that City Manager be authorized to submit pre-application for Community Development Block Grant for 1976 by authorizing essential hearings required. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

11. Adjournment

There being no further business for consideration, meeting adjourned at 9:25 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY