MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF MAY, 1978, AT 5:00 P. M.

On the 16th day of May, 1978, 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
Jack McMullen	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

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

1. Meeting opened with prayer by Rev. Roy Kieschnick, Pastor of First Lutheran Church, Lufkin, Texas.

2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers.

3. Approval of Minutes

Comm. Jack McMullen made motion that minutes of regular meeting of May 2, 1978, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Animal Control Ordinance-Second Reading Postponed

Mayor Garrison recognized a number of individuals who were present desiring to comment concerning proposed second reading of animal control ordinance by this Commission. Mayor Garrison stated that, in the interest of time, it would be beneficial to Commission if individuals would pool their particular comments and nominate spokesmen for their particular groups so as not to be repetitious.

There were a number of persons present in opposition to the approval of any type of leash law for animals and various opinions and comments were stated to members of Commission in this regard, to include Dr. Charles Kent who requested that a leash law not be approved inasmuch as same would penalize many well-trained and obedient dogs in the city. Dr. Kent also stated that the present City regulation was adequate if same was properly enforced. Dr. Kent stated that each dog in the city was not a problem and that dogs which provided problems could be controlled under the existing regulation. Dr. Kent expressed his concern that the present regulation be continued and enforced without consideration of a full leash law as proposed. Mrs. Mabel Jones also expressed her opposition to a leash law.

Mayor Garrison also recognized Mr. Clark Anderson representing a number of property owners in his area. Mr. Anderson stated that he was in agreement with comments made by Dr. Kent and was also of the opinion that dogs served as a crime deterrent for the community in certain residential areas. Mr. Anderson also stated that the present laws of the City were adequate and the courts were available for further recourse. Mr. Anderson stated that it would be necessary to erect a number of fences within the community and if each animal owner erected a fence, considerable cost would be involved to citizens.

Mayor Garrison also recognized Mr. Jimmy Griffith appearing in opposition to proposed leash law. Mr. Griffith stated that full justification should be made before any regulation was approved by this Commission regarding the control of animals. Mr. Griffith stated that this proposal was a question of statistics and whether or not same would validate the necessity of a leash law. Mayor Garrison read Mr. Griffith information received by the City staff from eight surrounding Cities, all of which had approved some type of leash law with no provisions for control of cats.

Mayor Garrison recognized a number of individuals present in opposition to the inclusion of cats in the proposed regulation for control of animals. Mayor Garrison recognized Mr. Richard Warner representing the CAFA (Cats Are Free Agents). Mr. Warner stated that this particular organization had been initially inspired by the Nacogdoches Humane Society which supported the exclusion of cats from a regulation of this type and same was inhumane to cats. Mr. Warner stated that as a result of this proposal, the City of Nacogdoches had dropped the inclusion of cats from their leash law which was recently passed. Mr. Warner presented members of Commission the names of 500 individuals who were in support of this petition to omit the inclusion of cats from the proposed leash law regulation. Mr. Warner stated that this represented a fair cross-section of the community and their petition, in essence, represented the opposition to the inclusion of cats and if the leash law was approved, that same be liberally enforced. Mr. Warner stated that the present laws adequately covered animals within the city and it was inhumane to keep cats in a fenced or caged condition. Mr. Warner also stated that this would be a burden on the City to enforce a regulation of this type.

A question was also presented to members of Commission as to how cats would be controlled inasmuch as the control of same by using tranquilizer guns would in essence kill any animal that weighed less than 10 pounds. City Manager Westerholm stated that cats could not be controlled by use of the tranquilizer gun in these circumstances. It was also suggested by individuals present that a limitation be placed on the number of animals that any one family could have within the corporate limits in lieu of the severe leash law as proposed.

There were a number of individuals present in favor of the proposed regulation for control of both dogs and cats as proposed. Mrs. Richard Carswell stated that she had been a property owner in the city of Lufkin for considerable period and dogs had destroyed flower beds on her property and scattered trash. Mrs. Carswell also stated that young children riding bicycles in her family had been caused considerable problems by dogs that chased bicycles. Mrs. Carswell stated that she was in 100 percent support of a full leash law and was of the opinion that this city had overdue approval of same.

Mayor Garrison also recognized Mr. John F. Medford who was in agreement with comments made by Mrs. Carswell and stated that he owned dogs and had fenced his animals and controlled them without creating burdens on his neighbors over the years. Mr. Medford stated that if a person desired to have a dog, he should also desire to care for it properly.

Mayor Garrison recognized Mr. Herbert Weeks who stated that he could not maintain a garden at his residence due to the problems that he had experienced with cats and dogs. Mr. Weeks stated that he personally liked animals, but believed they should be controlled.

Mayor Garrison recognized Mr. Joe Anthony, Lufkin Postmaster, who expressed his support of a full leash law for dogs and cited a number of instances within the past year involving 200 families who no longer received mail due to the fact that dogs had become a problem with which postmen could not contend with in certain areas. Mr. Anthony also stated that a number of postmen had lost work as a result of bites sustained by dogs and approval of this type regulation would improve the postal delivery service within the community.

Mayor Garrison recognized Mrs. Bertha Miranda who expressed her opinion that the present regulation was adequate and consideration of a full leash law was not necessary. Mayor Garrison also recognized Mrs. Mike Harber who stated that she personally had two dogs and same were in a fenced area and did not become a nuisance to adjacent property owners, but she personally was in support of a full leash law to prevent further destruction of her property.

Mayor Garrison recognized Mr. Gorden Henley, President of the Lufkin Humane Society, who expressed the Society's support of a full leash law and one that would also pertain to cats, if same was necessary. Mr. Henley stated that a leash law would assist in the over-population problem which had been experienced by animals each year. Mr. Henley also stated that health problems were caused by animals roaming at large.

Mayor Garrison recognized Mr. Herman Brown who expressed his full support of a leash law and stated that from the present City regulation, an individual who was offenced must personally take the defensive and possibly lose a neighbor friend as a result of a problem with which he had not actually been a cause.

Mayor Garrison recognized Mr. Lynn Montes who stated that if members of Commission approved regulation, same be clarified as to how the owner would comply. Mayor Garrison stated that, in his opinion, the regulation could be controlled by providing that dogs responding to voice commands would not be in violation of this regulation. Mayor Garrison was presented a proposed ordinance by Mr. Richard Warner which would implement the foice control factor as discussed by Mr. Montes and same was reviewed by members of Commission.

Comm. R. A. Brookshire stated that, in his opinion, this was a very difficult question for members of Commission to consider and her personally did not desire to vote regarding same and suggested that members of Commission consider a referendum to determine the true voice of the public in this particular matter. Comm. Pat Foley was in agreement with this comment by Comm. Brookshire.

Mayor Garrison stated that individuals who had been damaged as a result of dogs or cats under the present City regulation must take the offensive, which in his opinion did not seem to be a fair situation. Mayor Garrison stated that under these requirements the individuals causing the damage should be the responsible party, and it appeared that a leash law would better control this particular aspect. Mayor Garrison was in agreement, however, that a majority rule situation by referendum may be a better method of determining this proposal.

Comm. Jack McMullen was of the opinion that the referendum process would take considerable time and money and discussion developed with respect to when same could be considered. It was reported by City Attorney Flournoy that information received from the Secretary of State's office would not allow an election of this type any earlier than the second Saturday in August as stated in the State Election Code.

Comm. E. C. Wareing stated that he did not personally object to a referendum, but was of the opinion that if the community would respond to all actions considered by this Commission with a degree of intensity with which they had pursued the leash law proposal, the Commission could better represent the public.

Comm. McMullen stated that, in his opinion, the Commission had considered all phases of this leash law proposal and most information he had personally received, supported a full leash law. Comm. Jack McMullen then made motion that ordinance be approved on second and final reading adopting the full leash law proposal for both dogs and cats as proposed. Motion was seconded by Comm. Richard Thompson.

Mayor Garrison requested that Comm. McMullen's motion be held in abeyance to provide further comments from members of Commission. Comm. R. A. Brookshire made motion that motion by Comm. McMullen be amended and further action be tabled until next regular meeting at which time determination could be made as to whether or not an opinion poll or possible referendum would be considered and the proposed date same would be submitted to the public. Motion was seconded by Comm. Pat Foley and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, E. C. Wareing, W. O. Ricks, Jr., and Richard Thompson

Voting Nay: Comm. Jack McMullen

Mayor Garrison declared motion approved on a majority vote of six to one.

5. Subdivision Ordinance-Proposed Amendment to Street Specifications Postponed-Crushed Limestone Base

City Manager Westerholm stated that in January, 1977, specifications for street constructions within various subdivisions had been discussed and the City had conducted an experiment using crushed limestone as base material in the past year. City Manager Westerholm stated that this process had also been recommended by the City Engineering Department and information had been submitted to members of Commission for review. City

Manager Westerholm stated that the City staff would recommend the use of crushed limestone base streets and the substitution of a five-inch reinforced concrete for the six-inch reinforced concrete. City Manager Westerholm stated that the three options would be open to subdividers and would be beneficial to the City of Lufkin.

Members of City Commission reviewed proposal and Comm. W. O. Ricks, Jr., expressed his concern that the Texas Highway Department had experimented with this crushed limestone base and recently dropped it from their use inasmuch as considerable problems had developed with respect to flexibility.

Comm. Pat Foley was of the opinion that the Texas Highway Department was presently using this crushed limestone and desired more information be obtained before making final decision.

Mayor Garrison was also of the opinion that further investigation should be made by the City staff and Comm. E. C. Wareing suggested that cost per square foot should be considered, to include strengths in pound per square inch.

Members of Commission were in unanimous agreement that this item be tabled until next regular meeting.

6. Texas Power & Light Company-Rate Increase Request Suspended 30 Days from 5/25/78-City Commission Meeting Date Changed

City Manager Westerholm stated that it was necessary to extend the time for consideration for Texas Power & Light Company's rate increase request inasmuch as the original suspension date expired May 25. City Manager Westerholm also reviewed various options members of Commission could consider with respect to this proposal. City Manager Westerholm stated that Mr. Don Butler, legal counsel for Texas Municipal League, had reviewed three options, to include (1) the consideration for adoption of an ordinance establishing the rates recommended in PUC order involving a $40,500,000 increase at a rate of 6.7 percent; (2) do nothing, which would ultimately result in the PUC's order being imposed; or (3) adopt an ordinance placing into effect the Touche-Ross report calling for an increase of $35,017,000 at a rate of 5.4 percent. City Manager Westerholm stated that if Texas Power & Light Company challenged the Touche-Ross conclusion, it appeared the PUC would rule in favor of Texas Power & Light Company. City Manager Westerholm stated that the third option regarding adoption of the Rouche-Ross report seemed to be the better alternative.

Mayor Garrison inquired of City Manager Westerholm as to whether or not any Cities within this area had adopted the Touche-Ross report. City Manager Westerholm stated that the City of Tyler had adopted the Touche-Ross report on two readings of ordinance, but same had not been made final.

Comm. R. A. Brookshire expressed his desire to be furnished a report in simple language indicating the support of the PUC recommendation and the Touche-Ross report to determine why one report was endorsed affecting a greater change than the other.

Comm. Pat Foley expressed his opinion that the short period of time involved could not be adequate to provide a thorough study. Mayor Garrison stated that in his opinion, this Commission was obligated to allow Texas Power & Light Company a reasonable rate of return on their investment, but this was a difficult matter to accomplish under the present program.

Comm. R. A. Brookshire expressed his opinion that the Texas Municipal League staff was obligated to the various Cities to give an explanation as to why their particular report was higher in this application.

Comm. R. A. Brookshire then made motion that proposed rate increase request by Texas Power & Light Company be suspended an additional 30 days from May 25, 1978. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Garrison expressed his personal desire that this Commission consider final decision as to this request at next regular meeting, due to the fact that he proposed to be out of town at the next meeting. Comm. R. A. Brookshire brought attention to the fact that members of Commission would be attending a meeting in Galveston during the next regular meeting. Comm.

R. A. Brookshire made motion that next regular meeting of June 6 be postponed one week and held on June 13 at 7:30 p.m. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

Mayor Garrison then recognized Mr. James Kerbo of Texas Power & Light Company who explained various items discussed by members of Commission. Mr. Kerbo stated that since 1924 the Texas Power & Light Company had been obligated to serve the community and the PUC had been established as a request of the people. Mr. Kerbo stated that if the PUC was not doing an adequate job, the Commission should consider a different type of regulatory agency for the control of utilities. Mr. Kerbo requested that members of Commission not consider the Touche-Ross report inasmuch as his company would have to go back before the PUC.

Mr. Kerbo also reminded members of Commission that in some Cities, complete control of rates had been turned over to the PUC inasmuch as considerable difficulties had resulted in the consideration of rate increase requests. Mr. Kerbo also stated that his company had been accused of applying for inflated rate increases, but it was necessary to obtain a justifiable amount to keep from coming before the Commission for rate increases too often. Mr. Kerbo also stated that it was not good community relations to appear before the Commission for frequent rate increases.

Comm. Pat Foley informed Mr. Kerbo that this Commission did not ask for a PUC as a control device, but only for information. Mr. Foley also asked Mr. Kerbo whether or not a $20,000,000 surplus of fuel was kept on a year-round basis. Mr. Kerbo stated that same was maintained on a year-round basis and considerable cost was involved. Mr. Foley also inquired of Mr. Kerbo as to whether or not an 18.9 percent increase, if granted, would prevent Texas Power & Light Company from asking future increases until the mid 1980's, and if so, whether or not same could be guaranteed by Texas Power & Light Company. Mr. Kerbo stated that he could not answer this question, but would assume that this would be correct.

7. Zone Change Approved 2nd Reading-Moore Brothers Construction Company from RM to C District

Mayor Garrison stated that zone change application by Moore Brothers Construction Company from RM to C District covering property fronting on Lloyd Street between Cousart and Laurel, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change. Comm. E. C. Wareing made motion that zone change application by Moore Brothers Construction Company from RM to C District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading-CSC Investments, Inc., from LB to LB & C Districts, Special Use (Erection of On-Premise Signs)

Mayor Garrison stated that zone change application by CSC Investments, Inc., from LB to LB & C Districts, Special Use (Erection of On-Premise Signs), covering property located on South Timberland Drive, across from South First Street intersection, being South Timberland & Tulane Drives, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change. Comm. E. C. Wareing made motion that zone change application by CSC Investments, Inc., from LB to LB & C Districts, Special Use (Erection of On-Premise Signs), be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Zoning Ordinance-Proposed Amendment to "Family Units" Definition Postponed

Mayor Garrison stated that members of Commission had discussed the possibility of amending the existing Zoning Ordinance at last regular meeting regarding "family units" definition and same had been tabled for further discussion at this meeting.

City Manager Westerholm stated that various definitions had been acquired for review and furnished members of Commission regarding "family unit" definition, but no specific recommendation could be made.

Mayor Garrison was of the opinion that the definition should provide for a lineal descendant and degree of relationship provision.

Comm. W. O. Ricks, Jr., stated his opinion that the regulation must not be too broad to prevent many families from living in one dwelling.

Considerable discussion developed with regard to this amendment and it was unanimously agreed that further discussion of same be tabled until next regular meeting. Motion was made by Comm. W. O. Ricks, Jr., that further review of this proposal be made at next regular meeting to provide City Attorney Flournoy and Mayor Garrison an opportunity to review legal qualifications as discussed. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Gobblers Knob Road-Acceptance of Minute Order #74353-FM Road

City Manager Westerholm stated that the State Department of Highways & Public Transportation had requested a resolution accepting their Minute Order #74353 designating Gobblers Knob Road as a Farm-to-Market Road. City Manager Westerholm stated that this minute order could possible require the City to purchase some additional ROW, but according to Mr. Lynn Hill of the State Dept. of Highways & Public Transportation, these purchases would not amount to more than $1,000. City Manager Westerholm reported that the County had already accepted the minute order for their particular share.

Following review of proposed regulation, motion was made by Comm. W. O. Ricks, Jr., that proposed minute order as reviewed for the State Dept. of Highways & Public Transportation be accepted not to exceed $1,000. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Texas Forestry Museum-Funds Approved for Sidewalks & Parking Areas-Civic Center Improvements

City Manager Westerholm stated that under a new state law, funds could be provided to the Texas Forestry Museum for various support projects from the Hotel/Motel Occupancy Tax Fund. City Manager Westerholm stated that the City's expenditures to date in this particular fund were 94.7 percent of the budgeted amount and revenues to date were 122.4, indicating a surplus of approximately 30 percent which was equivalent to $30,000 over the present budget. City Manager Westerholm stated that he would personally recommend members of Commission consider this request.

Mayor Garrison recognized Mr. Ed Waggoner in representation of the Texas Forestry Museum who explained this proposal as outlined by City Manager Westerholm. Mr. Waggoner stated that the purpose for which these funds would be used would be to improve the parking area of the Texas Forestry Museum and the sidewalk capacity at a total cost of $2,389.50.

Comm. W. O. Ricks, Jr., made motion that these funds in amount as stated be approved and Texas Forestry Museum be allotted same for these improvements. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. R. A. Brookshire expressed his concern that any items at the Civic Center which were inadequate be checked for adequacy prior to consideration to provide funds in other areas inasmuch as an obligation was owed to the citizens of Lufkin from this Commission to maintain the Civic Center facility in the highest possible order for the benefit of the citizens. City Manager Westerholm stated that he would review this further and stated there had been complaints made concerning the adequacy of the kitchen for catering banquets.

It was determined from further discussion that considerable funds were projected to be available to allow this particular expenditure request and still provide a surplus of approximately $27,000 in this fund. The following vote was recorded to previous motion and second:

Voting Aye: Mayor Garrison, Comms. Pat Foley, Jack McMullen, E. C. Wareing, W. O. Ricks, Jr., and Richard Thompson

Voting Nay: Comm. R. A. Brookshire

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

12. Zone Change Approved 1st Reading-S. Harry Kerr from A to A District, Special Use, Item 2 (Kindergarten)

Mayor Garrison stated that zone change application by S. Harry Kerr from A to A District, Special Use, Item 2 (Kindergarten), covering property located on Schuller Street between Old Union Road (Pershing Avenue) and Camp Street, being Lots 4 & 5 of the Schuller Addition, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change. Comm. E. C. Wareing made motion that zone change application by S. Harry Kerr from A to A District, Special Use, Item 2 (Kindergarten), be approved on first reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

13. Cablecom General-Request for Rate Increase Tabled-Proposed Christian Broadcasting Network & New Weather Channel Disc.

Mayor Garrison recognized Mr. Wayne Neal appearing in representation of Cablecom General's request for rate increase and consideration for addition of a Christian broadcasting network and all-new weather station at the existing Cablecom facility. Mr. Neal reviewed a brief history of Cablecom General and brought attention to the various statistical information indicating that 239 cities charged higher rates than the City of Lufkin on a monthly basis.

Mr. Neal also reviewed various cost increases experienced by Cablecom General to include utility increases and new FCC regulations which provided a 12.6 percent tax requirement. Mr. Neal stated that as a result, it was necessary to increase their monthly rates approximately 75¢.

Mr. Neal also stated that of 533 individuals polled within the city, approximately 78 percent of these individuals were in support of a Christian broadcasting network and were in favor of providing for these new channels. Mr. Neal stated that it would not be possible for Cablecom to provide the CBN facility to include the all-new weather station without implementing a 75¢ per month increase per customer. Mr. Neal stated that the support of these particular channel additions had been solicited through the news media and seemed to represent a fair segment of the community.

Mayor Garrison informed Mr. Neal that a 10¢ per month increase would provide considerable revenue and seemed to be adequate under the circumstances to offset proposed costs of the services. Mayor Garrison also stated that Cablecom General had not presented any financial statement to justify consideration of this increase request.

Comm. R. A. Brookshire reminded Mr. Neal that the City Commission had had considerable problems with Cablecom General in the past and this company was not qualified for an increase under the present circumstances without substantial justification for a rate increase.

Mayor Garrison then recognized Mr. Gene Childers who expressed his opposition to this rate increase request and the addition of any new network stations, to include the Christian broadcasting network and the all-new weather station. Mr. Childers stated that, in his opinion, the service was not presently of the quality the citizens should be receiving and considerable difficulty was still being experienced with the existing channels.

Mayor Garrison reminded Mr. Neal that the consideration of a Christian broadcasting network should not be used as a motive for a monthly rate increase request by Cablecom General due to the fact members of Commission would be forced to make a decision regarding a rate increase request as a result of possibly denying the community of a beneficial religious program.

Mayor Garrison then recognized Rev. Bob Lewis who expressed the support of the community, in his opinion, for the Christian broadcasting network inasmuch as same would provide a 24-hour day program through the satellite provision. Rev. Lewis stated that one letter received through a TV network by expert opinion indicated approximately 1,000 individuals who would not otherwise have responded. Rev. Lewis also stated that he personally was willing to pay the additional 75¢ per month if same could be provided to the community as was the opinion of 78 percent petition which was presented.

Mayor Garrison recognized Mrs. Harold Garrett who stated that she was an Orthodox Jew and was in opposition to consideration of a Christian broadcasting network inasmuch as she personally would not watch this program due to her religion and further stated her opinion that an additional cost would not be to her advantage under these circumstances.

Mayor Garrison also recognized Mr. Jim Hishan who experssed his support of this proposed Christian broadcasting network and the 75¢ increase per month inasmuch as same only represented a 2½¢ per day cost increase. Mr. Hishan stated that this was a minimal amount when considered over a period of one year.

Mayor Garrison stated that the net income should be reviewed from Cablecom to determine whether or not a substantial figure could be justified. Mayor Garrison also stated that the income appeared to be adequate inasmuch as Cablecom had not in the recent past submitted a rate increase request to members of Commission. Mayor Garrison also suggested the possible consideration of a referendum for the inclusion of this program which would require a 75¢ per month increase to determine a better community feedback, or a personal poll conducted by Cablecom from the 7600 customers rather than consider a 533 signature consideration from within the community.

Mayor Garrison also recognized Mr. Jerald Lumpkin who stated that it was apparent voter apathy was within all communities and it appeared that even though this apathy existed, the results of any type election was accepted on its face value. Mr. Lumpkin stated that inasmuch as this was a valid inventory, he would request that same be respected and accepted by members of Commission as a substantial majority to support consideration of these programs as presented.

Comm. E. C. Wareing stated that to his knowledge this Commission had never received a request from Cablecom to add a particular channel inasmuch as same was not a requirement under the existing franchise as an authority of this Commission. Comm. Wareing also stated that no rate increase request could be granted to Cablecom unless Cablecom could show that they were not receiving a fair rate of return on their investment, and the discussion of the two-channel addition was a moot question based on this information.

Comm. R. A. Brookshire stated that it was the responsibility of Cablecom General to prepare a thorough rate increase request study for members of this Commission to consider if they desired, and it was not a requirement of this Commission to determine what factors must be presented in this request.

Mr. Neal stated that a fair rate of return, in his personal opinion, was 13.3 percent and that Cablecom General was not receiving this rate of return, whidh had prompted increase request as presented.

Mayor Garrison stated that members of this Commission would consider any rate increase request submitted by Cablecom, but no formal presentation had been made. Mayor Garrison suggested that Mr. Neal review this consideration with the lawyers for Cablecom General and a formal presentation be made.

Comm. Pat Foley made motion that further consideration of this proposal by Cablecom for rate increase be tabled. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

14. Adjournment

There being no further business for consideration, meeting adjourned at 8:35 p.m.

Pitser H. Garrison

MAYOR - City of Lufkin, Texas

ATTEST:

Assistant City Manager