

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON 5th DAY OF MAY, 1964, AT 7:30 P.M.

On the 5th day of May, 1964, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with following members thereof, to-wit:

Jim Waters	Mayor
Jack W. Tucker	Commissioner, Ward No. 1
Dayle V. Smith	Commissioner, Ward No. 2
S. Harry Kerr	Commissioner, Ward No. 3
H. E. Rowin	Commissioner, Ward No. 4
Granville Wright	City Manager
Lynn Durham	City Secretary
William D. Perkins	City Attorney

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

1. Meeting opened with prayer by Rev. Gene Kendrick, Pastor of Midway Baptist Church, Lufkin, who left immediately after being thanked by Mayor Waters for his participation.
2. Minutes of previous meeting were read and approved.
3. A number of visitors were in attendance in connection with items on the agenda or as observers and were welcomed by Mayor Waters.
4. Dr. Billy O'Quinn appeared before City Commission and stated he desired to install storm sewers in street along his property on Reen and Allendale; also that he was not contacted, prior to opening ditch on Reen Street, regarding easement in rear of his property.

Lee W. Friesen was present and expressed appreciation to City Commission members, City Manager and City Engineer for attending meeting on Friday evening, May 1st, at his home and efforts put forth by City in trying to solve the drainage problem in this area and suggested consideration be given by City of being certain that ditches on Reen Street are sufficient to handle drainage from his and Jack Greer Davis' property, if it is diverted to these ditches.

No action taken on this suggestion since it was the desire of the City Commission that drainage under heavy rains should be observed to determine if present ditches would handle such additional water.

Commissioner Jack W. Tucker made motion that City install storm sewer along property line of Dr. Billy O'Quinn on Reen and Allendale if Dr. O'Quinn pays for the storm sewer. Commissioner S. Harry Kerr seconded the motion and a unanimous affirmative vote was recorded.

Mrs. E. O. Brumble appeared later in the meeting to request consideration be given to other property owners on Reen for storm sewers since, she stated, they had been promised relief in the past.

City Attorney read Resolution passed in 1958 setting City's policy of not expending money to improve drainage on privately owned property.

Discussion brought out that only alternative, other than what has now been done, would be to secure unconditional easement in rear of property of property owners to pay for cost of storm sewer.

5. City Attorney read ordinance for second reading changing zone from R-1 District to A District and Special Use permit on tracts shown as Lots 12, 13A, 13B and 13C on Map 3 of J. A. Bonton League, located on north side of Ellis Avenue between Franklin and Randolph Streets to allow for construction of medical or dental clinic with apothecary, as requested by Charles Ruth.

City Manager stated property instrument had been prepared and executed between he and Mr. Ruth on restrictions on all four of these tracts.

Commissioner H. E. Rowin made motion that ordinance be passed on second and final reading. Commissioner Jack W. Tucker seconded the motion and a unanimous affirmative vote was recorded.

6. Mayor Waters stated that Mr. R. B. Thompson had officially withdrawn his zone change request which was approved on first reading at meeting of April 17, 1964.

7. City Attorney read ordinance for second reading changing building code from National to Southern for the City of Lufkin with revisions recommended by City Attorney and Building Inspector and passed on first reading at last meeting.

Commissioner Dayle V. Smith made motion that ordinance be passed on second reading. Commissioner H. E. Rowin seconded motion and a unanimous affirmative vote was recorded.

8. City Manager stated that Building Inspector desired to join the Southern Building Code Congress in order to be furnished literature and other helpful data on administering the regulations and recommended approval of this request.

Commissioner Jack W. Tucker made motion that Building Inspector be authorized to join this association. Commissioner Dayle V. Smith seconded the motion and a unanimous affirmative vote was recorded.

9. City Attorney read ordinance for first reading covering zone change from R-3 District to LB District covering portion of J. L. Quinalty League, Lot 7, Block 1, Austin Garrett Subdivision, City of Lufkin, of record in Book 1, page 3, Plat Records of Angelina County, Texas, located at corner of Kurth Drive and Lake Street by Claud C. Hill.

City Secretary stated this application had been considered by City Planning and Zoning Commission in public hearing and they had recommended City Commission approval.

Curtis W. Fenley, Jr., Attorney, and Claud C. Hill were present to answer any inquiries by City Commission and to request passage of the ordinance. Mayor inquired if anyone present desired to pretest the change and there were no protests.

Commissioner H. E. Rowin made motion that ordinance be passed on first reading. Commissioner Dayle V. Smith seconded the motion and a unanimous affirmative vote was recorded. Mr. A.

10. City Attorney read ordinance for first reading covering zone change from D District to C District covering property located on North Angelina Street between Bremond and Howe Streets, by A. E. Allbritton.

City Secretary stated this zone change request was considered by City Planning and Zoning Commission in public hearing and recommended City Commission approval. Mr. A. E. Allbritton was present to answer inquiries by City Commission.

Mayor asked if anyone present desired to protest change and there were no protests. Commissioner Dayle V. Smith made motion that ordinance be passed on first reading. Commissioner H. E. Rowin seconded motion and a unanimous affirmative vote was recorded.

11. City Attorney read caption and portions of ordinance revising present subdivision ordinance submitted and recommended for approval by City Planning and Zoning Commission after considerable amount of time spent in hearings, consultation with Planning Consultants and studies.

City Attorney stated this ordinance is an improvement over present ordinance and is intended to fulfill the requirements of the City for years to come.

Commissioner S. Harry Kerr stated he had read the ordinance, thought it was needed and made motion that ordinance be passed on first reading. Commissioner H. E. Rowin seconded the motion and a unanimous affirmative vote was recorded.

12. City Attorney read ordinance covering regulation of pawn shops in City. Commissioner S. Harry Kerr made motion that no action be taken on passage of this ordinance at this meeting as City Commission members had not received copies to study. Commissioner Jack W. Tucker seconded the motion and a unanimous affirmative vote was recorded. City Secretary will prepare copies of ordinance for City Commission members.
13. City Manager requested authority to advertise for bids on compressor and air hammer since this equipment was badly needed; also funds for the purchase were set out in budget.

Commissioner S. Harry Kerr made motion that City Manager be authorized to advertise for bids as requested. Commissioner Jack W. Tucker seconded the motion and a unanimous affirmative vote was recorded.

14. City Manager stated that cost of meter taps have increased to the point where City is now losing money on charge for such taps. He listed following detail on these costs:

	<u>Present Charge</u>	<u>Actual Cost</u>
3/4" Tap	40.00	51.49
1" Tap	72.00	91.12
1 1/2" Tap	156.10	166.35
2" Tap	228.00	247.51

After some discussion, Commissioner Jack W. Tucker made motion that City Manager be authorized to write Texas Municipal League and ascertain charges being made for such taps by other cities in Texas of comparable size to Lufkin, before action is taken by City Commission. Commissioner Dayle V. Smith seconded the motion and a unanimous affirmative vote was recorded.

15. City Manager stated that Charlie Hanson had contacted him regarding the possibility of leasing Ellen Trout Lake Park at a nominal fee for camping, fishing and recreational rights and keep grounds in good appearance. Charles K. Ruth was present and stated Mr. Hanson had requested his assistance in this regard.

Commissioner S. Harry Kerr stated he was not in favor of leasing since City had a shortage of good parks now and City should see that Ellen Trout Lake Park was kept in best state of appearance in order to attract visitors.

City Manager stated he was not recommending leasing of property and suggested Mr. Hanson contact Paul C. McWilliams, Parks Superintendent, to see if his services might be needed. City Commission concurred and no action taken on leasing of the property.

16. City Manager requested City Attorney to read Resolution fixing speed limits on U. S. Highway 69 (Kurth Drive) from Timberland Drive west to City Limits west of Kurth Drive which was an agreement reached with State Highway Department and recommended its approval.

Commissioner Jack W. Tucker made motion that Resolution be approved. Commissioner Dayle V. Smith seconded the motion and a unanimous affirmative vote was recorded.

17. Open items were gone over and discussed and following action taken:

- (a) City Manager recommended that he be given authority to advertise for bids on construction of rest rooms in new City Park on South Timberland Drive. Stated quotations and one letter had been received but these were not conclusive. Commissioner S. Harry Kerr stated all haste should be given this matter since summer would soon be here and facilities would be needed.

Commissioner S. Harry Kerr made motion that City Manager be authorized to advertise for bids on this work in newspaper May 10th with bids to be opened and considered in special meeting to be called on May 26th. Commissioner Jack W. Tucker seconded the motion and a unanimous affirmative vote was recorded.

Commissioner Jack W. Tucker recommended that paving between U. S. Highway right-of-way on South Timberland Drive and Park area be rushed. City Manager stated this project would be handled as fast as men and equipment were available.

- (b) City Attorney stated he had talked with Robert W. Hollin, Planning Consultant, on completion of work on Comprehensive Plan and was advised work was being done as fast as possible and reports desired should be completed by end of this month.

- (c) In connection with Vumore Company service, Messrs. Fred Hill, President, and Pete Kempf, District Manager of Vumore Company of Lufkin, appeared before City Commission and read following statement which was presented to City Secretary at 5:00 P.M. this date addressed to City Manager and members of City Commission which they desired to be used as public record and same is made part of these minutes:

"The Vumore Company of Lufkin does not wish to enter into any litigation with the City of Lufkin over the quality of Vumore television cable service. The Vumore Company realizes that their economical survival depends on the good will of the City of Lufkin and their cable subscribers.

We are making the following statement in writing so that there will be no misunderstanding of Vumore's intentions and capabilities of delivering a third channel of microwave for the purpose of improving our pictures on Channel 2--KPRC-TV, Houston.

**SUBJECT TO THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION:**

- a. Vumore Company of Lufkin will order an additional microwave channel from Mesa Microwave as soon as that company can provide the service. This microwave channel will be used to provide service from KPRC-TV Houston to the cable system when KTRE-TV is not carrying that service.

At other times, it will be used to provide the education Channel in Houston through the cable system.

- b. Vumore Company of Lufkin will provide the cable service free of charge to all schools in the cable area. Arrangements of this nature will be worked through the Lufkin Independent School District and the Vumore Company of Lufkin.
- c. Until the microwave service above, (a), can be obtained, an interim system of switching will be installed to provide NBC service to the cable system during the time KTRE-TV is carrying ABC or CBS programs on a live basis. This system will provide an additional five hours of NBC programming Monday through Friday, during the hours of 6:30 to 10:00 P.M. Some additional hours of week-end NBC programming will also be provided. This system should be in service on or about June 1st, 1964, and in any event, no later than June 15th, 1964.

We do want the City Commission and the general public to have knowledge of the problems in getting the FCC to renew and allocate microwave licenses. Since February 1st, 1964, Mesa Microwave has been supplying Vumore of Lufkin with Channels 11 and Channels 13 on an interim license. Vumore Company promises to pursue its renewal of license and its application for a third channel of microwave with diligence. We hope that the city of Lufkin and the general public will be assured of our sincere intentions of bringing this added service to Vumore viewers. We hope that understanding is given to the fact that we operate under the FCC rules and regulations. Vumore Company is not alone in its problems of license and renewal. This is a problem that has been brought on by the rapid growth rate of cable systems and broadcast stations. The FCC has not yet caught up with the tremendous volume of applications and requests for opinions. Certain rulings will affect our license grants and renewals.

We respectfully request, in the interests of better understanding of operating problems of cable companies, that this statement be published in its entirety, if it is used for publication at all."

City Attorney's letter to City Manager, dated May 4, 1964, copy of which was furnished members of City Commission, was discussed.

This letter cited provisions of franchise agreement with City, rates and present financial condition of Vumore Company, and stated that apparently Vumore Company was, in general, complying with franchise agreement and that City had no grounds for legal action at this time in regard to compliance therewith.

Earl Handley was present and was very emphatic that, in his opinion, Vumore Company was not living up to their franchise agreement as to number of microwave channels to be made available and the poor reception over present channels.

After discussing matter in detail, Commissioner Jack W. Tucker made motion that City, without waiving any rights it might have, accept Vumore's statement quoted above, and compliment them on the additional service they contemplate furnishing and that City Manager and City Attorney be authorized to check periodically on services being furnished and rates being charged. Commissioner Dayle V. Smith seconded the motion and following vote recorded:

For Motion:

Mayor Jim Waters  
Commissioner S. Harry Kerr  
Commissioner Jack W. Tucker  
Commissioner Dayle V. Smith

Commissioner H. E. Rowin requested that he be allowed to abstain from voting due to his employment by Forest Capitol Broadcasting Company who has an interest in Vumore Company.

- (d) Street paving was discussed and Mr. Delbert Richardson who lives on Camp Street was present and presented list of property owners in this area who desire paving.

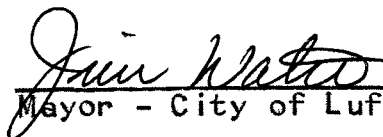
Although paving standards have not been officially approved, discussion brought out that standards desired would cost property owners \$3.00 or more per running foot and that money covering cost should be delivered to City Hall or notes signed and payment schedule set before any paving could be started.

- (e) Mayor stated he had discussed bids recently opened on new water well and supply lines at Redland with officials and had authorized awarding of bid on well proper to low bidder, Texas Water Wells, Inc., and authorized readvertising for bids on supply line on recommendation of City Manager and City Engineer. Mayor requested approval of this action.

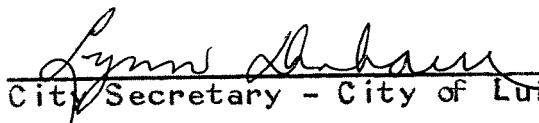
Commissioner Jack W. Tucker made motion that above action be approved. Commissioner H. E. Rowin seconded the motion and a unanimous affirmative vote recorded.

- (f) City Attorney stated that District Court issued an injunction prohibiting Solomon Riley from obstructing Lake Alley.

18. There being no further business for consideration, meeting was adjourned at 10:30 P.M.

  
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Mayor - City of Lufkin, Texas

ATTEST:

  
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City Secretary - City of Lufkin, Texas