

**MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17th DAY OF DECEMBER, 1985, AT 5:00 P.M.**

On the 17th 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
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Tommy Deaton	Asst. City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present, and

Louis Bronaugh	Commissioner, Ward No. 6
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. John Zebelskas, Minister, Saint Patrick's Catholic Church.
2. Mayor Garrison welcomed visitors present.

**3. APPROVAL OF MINUTES**

Minutes of regular meeting of December 3, 1985, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

**4. ORDINANCE - APPROVED - FIRST READING - TAX ABATEMENT/REINVESTMENT PROGRAM - PARKWOOD MANOR LTD**

Mayor Garrison stated that the Commission had for consideration an Ordinance on First Reading to create a Tax Abatement/Reinvestment Zone in favor of Parkwood Manor, Ltd. covering property at 920 Frank Avenue. Mayor Garrison stated that this request had been represented by Mr. Joe E. Clark at last meeting of this Commission. Mayor Garrison stated that this facility was to provide a building for skilled nursing care with some apartments for retirees. Mayor Garrison stated that the Tax Abatement would be for a period of 15 years.

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

Commissioner Percy Simond stated that he had noticed there was some work already in progress on the building and he wondered if this would have anything to do with the Commission's position. Commissioner Simond stated that he would like to know if a person who had already started renovations on a building would be able to apply for a Tax Abatement. In response to question by City Manager Westerholm, Asst. City Attorney Tommy Deaton stated that essentially the person must apply for the Tax Abatement Program and then begin the renovation/rebuilding, however, in this particular instance the Tax Abatement was already in process and the work that is being done at the old hospital building is remedial work at this point. Asst. City Attorney Deaton

stated that he would research this question for Commissioner Simond and would give him a more formal opinion.

Commissioner Lynn Malone stated that he did not remember seeing anything that described what Parkwood Manor, Ltd. was planning to do to the building as far as renovations. City Manager Westerholm stated that the Reinvestment Zone portion of the process was now being considered and an Agreement would be signed later for the Tax Abatement Program. City Manager Westerholm stated that at the time the partnership enters into a contract with the City they also set forth what they are planning to do to the building. City Manager Westerholm stated that the City's responsibility is to check and see that everything is done, and then put a value on the project. Mayor Garrison stated that before the Second Reading of the Ordinance perhaps Parkwood Manor, Ltd. would submit some specifics on the remodeling which would cost approximately \$2,000,000.

Commissioner Percy Simond stated that at last meeting he had asked about residential property coming under the Tax Abatement Program and he would like to have City Manager Westerholm explain to the Commission what he had found out about same. City Manager Westerholm stated that he went back and checked the law and found that residential property could participate in the Tax Abatement Program. City Manager Westerholm stated that the way the law is set, when you designate a reinvestment zone, it cannot have more than 10% residential area. City Manager Westerholm stated that so far when the City has designated a Reinvestment Zone, they have designated the one property only under application. City Manager Westerholm stated that if you take a large enough area and have less than 10% residential, those residents could be eligible.

**5. ORDINANCE - POSTPONED - FIRST READING - ANNEXATION & PERMANENT ZONING - OLD UNION ROAD**

Mayor Garrison stated that the Commission had scheduled First Reading of an Ordinance for annexation and permanent zoning of property North of Old Union Road and South of Texas Southeastern Railroad Line, West of Largent and East of Hudson City Limits line, and the staff had discovered that there was not enough time between the On-site Hearing and the First Reading of the Ordinance, therefore, the item would be postponed until next meeting of this commission.

**6. ORDINANCE - APPROVED - SECOND READING - ANNEXATION & PERMANENT ZONING - HIGHWAY 58 & WHITEHOUSE DRIVE**

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of Ordinance for Annexation and Permanent Zoning of property located on Highway 58 and Whitehouse Drive.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Ordinance for Annexation covering property located on Highway 58 and Whitehouse Drive be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that property annexed on Highway 58 at Whitehouse Drive be zoned as Residential Large. A unanimous affirmative vote was recorded.

**7. ORDINANCE - APPROVED - SECOND READING - LULA LAWSON - 1609 SMITH RM TO RM, SU (BEAUTY SHOP)**

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of Ordinance for Zone Change Request by Lula Lawson covering property located at 1609 Smith Street from Residential Medium to Residential Medium, Special Use (Beauty Shop).

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

**8. ORDINANCE - APPROVED - SECOND READING - WAYNE HAGLUND, AGENT - 156 DENMAN - RS TO NR**

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of Ordinance for Zone Change Request by Wayne Haglund, Agent, covering property located at 156 Denman from Residential Small to Neighborhood Retail.

Motion was made by Commissioner Don Boyd and Seconded by Commissioner Pat Foley that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**9. REAR YARD REQUIREMENTS - APPROVED - AMENDMENT TO ZONING ORDINANCE**

Mayor Garrison stated that at last meeting of this Commission an Amendment to the Zoning Ordinance regarding rear yard requirements had been heard on First Reading and was now before the Commission on Second and Final Reading.

Motion was made by Commissioner Don Boyd and Seconded by Commissioner Pat Foley that Amendment to Zoning Ordinance be approved as presented. A unanimous affirmative vote was recorded.

**10. ENGINEERS - SELECTED - IMPROVEMENTS TO WATER PLANT**

Mayor Garrison stated that at last meeting of the Commission the possibility of installing pumps at the water system was discussed. Mayor Garrison stated that the pumps would have to be designed by an engineer as opposed to buying pumps that were ready for installation when purchased. Mayor Garrison stated that since this was a requirement of the Health Department, City Manager Westerholm had invited proposals from engineers for this purpose. Mayor Garrison stated that the Commission had previously discussed the computer study of the distribution system and since it was not specifically listed as part of the agenda item, he was not sure it could be discussed. Assistant Attorney Tommy Deaton stated that since the two items were related and complimented each other, in his opinion, it would be alright to consider both items.

City Manager Westerholm stated that three (3) engineers were asked to give an opinion of whether or not the City could do the design of the highlift pumps without a full blown study of the distribution system. City Manager Westerholm stated that there were three opinions given and then prices for doing just the design work for the highlift pumps and prices for doing the distribution system study. City Manager Westerholm stated that two of the engineers felt that it was not absolutely necessary to do a full blown study and the other engineer thought it would be preferable.

Commissioner Pat Foley stated that in the section on comments in one of the proposals an engineer stated that if the design of the highlift pumps was done first, it wouldn't make any difference, and then on page 3 of their proposal, they stated that if the design was done first, it is possible that some minor modifications might need to be done in order to fine tune the pump design at a later date. Commissioner Foley stated that it seemed as though the engineering firm was contradicting themselves.

City Manager Westerholm stated that he did not think it was true that all of the engineers would agree that it would be best if the City would do the total distribution system study first if the City had the

time, but knowing how long is involved in the Bond issue and getting the work, we are talking about 2-3 years before it's completed and the City would be running short of water before then.

In response to question by Mayor Garrison, City Manager Westerholm stated that the Water System Study alone would take 3 or 4 months.

Commissioner Pat Foley stated that it was his understanding that in doing the distribution system analysis there would be some major changes that could have some effect on the pumps, and if a major distribution study were made and there were recommendations for improvements, it could be 2, 3, or 5 years before they are all finished. Mayor Garrison stated that if proposals for both projects were considered and the Commission didn't use the bid phase or the construction phase or the inspection phase, assuming that the City staff had the ability to submit the bids, observe construction and make the inspections. Mayor Garrison stated that the proposal from Goodwin-Lassiter would be \$18,000, Kindle Stone Associates would be \$32,000, and Everett Griffith & Associates would be from \$18,500 to \$23,500, and if there was any question about having the studies together, the Commission could solve that by making an overall agreement with the engineers to do both projects.

Commissioner Pat Foley stated that he was extremely disappointed that the City has known about the problems at the water plant for two (2) years and now it was being presented at the last minute and the work had to be completed by summer. Commissioner Foley stated that in his opinion it was poor planning that had put the City in this condition. City Manager Westerholm stated in response to Commissioner Foley, that the City has known, but it has not been too critical, and that it was the Fire Insurance Study that had brought this to the City's attention. City Manager Westerholm stated that the City was being charged one (1) cent key rate on the fact that the City does not have the dual discharge system and the pump deficiency was being noted and the study by Kindle Stone Associates also emphasized that we had more water capability to bring water into the plant than we had to get into the distribution system. City Manager Westerholm stated that those are the reasons it was put in the budget last year. City Manager Westerholm stated that \$100,000 had been put in the budget for the improvements to the water plant only, and that did not include the distribution system study.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that the pumps will not change the insurance rate but the discharge will give a one cent rate savings. City Manager Westerholm stated that for a short distance the City has one discharge from the plant and then the dual system starts a few feet from the Plant and the Fire Insurance Study suggested that we have the dual system all the way from the pumps to these two mains leaving the plant. City Manager Westerholm stated that the \$100,000 would cover getting the new pumps and eliminating the single distribution.

In response to question by Commissioner Gorden, City Manager Westerholm stated that there was not any money left from the previous budget to do this study with, and that the budget had been amended by \$932,000 last year. Commissioner Foley stated that he would like for City Manager Westerholm to give him a detailed report in writing why the money is not available from last year's budget.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that to pay for this study the City would have to amend the budget and use part of the contingency fund. City Manager Westerholm stated that it would take 3 or 4 months to have the study completed, then a bond election could be held or Certificates of Obligation used, and if there's no call for a referendum on it they could be issued, engineers could be hired to develop the plant speci-

fications, bids for construction could be let, all of which could be accomplished in a 2 year period.

In response to question by Commissioner Gorden, City Manager Westerholm stated that in order to pay for this project the City could pledge the water-sewer revenues through a rate increase.

In response to statement by Commissioner Malone, Larry Lassiter responded that although the firm of Goodwin-Lassiter had not done any projects the size of Lufkin, he and his partners had worked on larger jobs while employed by other firms and in his opinion their background and experience would enable them to take on a job the size of Lufkin.

Commissioner Malone stated that Kindle Stone Associates had been on top of the water study and it would appear that it would be advantageous for the City to go with Kindle Stone Associates, however, he was concerned about the price of their proposal.

Commissioner Foley stated that while the price appears to be higher than the other proposals, it also appears that Kindle Stone Associates experience is greater in the computerized distribution systems. Commissioner Foley stated that at this point he was more concerned about where the City would get the money to pay for the study.

In response to question by Commissioner Gorden as to whether one firm could do the water study and another firm do the computerized distribution study, Commissioner Foley stated that he would not object to separating each of the areas.

In response to question by Commissioner Foley, City Manager Westerholm stated that \$10,000 of the budgeted amount of \$100,000 for the water study had been set aside for engineering fees.

Larry Stone of Kindle Stone Associates stated that he was appearing in representation of his firm tonight because Billy Sims was committed elsewhere. Mr. Stone stated that one of the issues was getting some high service pump capacity and he agreed with the City's staff that water could be rationed this summer unless additional pumping capabilities are provided. Mr. Stone stated that there were five pumps at the plant and his firm had looked at them when they were doing the water supply study. Mr. Stone stated that when all the pumps are turned on you could pump 63,000 gallons per minute, and that the pumps taken separately could pump 96,000 gallons per minute. Mr. Stone stated that these pumps had 200 hp electric motors, good sized propellers, good sized base plates and there could be a potential for trouble if the City continues increasing through the capacity already there from the high service pump station.

Mr. Stone stated that one of the things Kindle Stone Associates looked at during the water supply study was that the system would be fed from two points, one being the ground water and the other being surface water. Mr. Stone stated that the \$3.5 million referred to earlier tonight was based on distribution system improvements that would allow the City to feed from the two points. Mr. Stone stated that if the City was going to continue for the next ten-year period and the additional capacity is needed there will have to be some fine tuning to the system, and that there may need to be another parallel line from the high service pump station coming into the system to reduce the total dynamic head.

Mr. Stone stated that his firm would like to take four months to do the distribution system analysis, they would need to look at the meter books and figure out where the water is being used in the system, each line segment would have to be looked at as to length and size, the existing demands, and see what the system is doing on average and peak days. Mr. Stone stated that Kindle Stone had a basic

outline for the proposed improvements to the system and there would probably be some modifications to same. Mr. Stone stated that at the end of six weeks his firm could advise the City where some of the improvements would need to be made. Mr. Stone stated that, in his opinion, it would be to the best interest of the City to have the pumps installed prior to July, and it was feasible to have the study completed and the pumps installed in this time frame.

Mr. Stone stated that if his firm is selected based on their qualifications, then they would sit down with the City and negotiate a price to do whatever work is defined by the people appointed by the City to do same.

In response to question by Commissioner Simond, Larry Lassiter stated that he was in agreement with Mr. Stone's analysis of the work to be done and one reason for the difference in the amount of the proposals could be whether or not a new map would have to be prepared. Mr. Lassiter stated that his firm had proposed to use the existing City map in their work and if new maps were developed there would be a considerable difference in the cost and that would be one difference in the cost of the proposals. Mr. Lassiter stated that in installing the pumps at the pump station his firm had proposed an abbreviated distribution study be done of the area closer to the plant, the major lines leading from the plant, and the major distribution line north of the City. Mr. Lassiter stated that if in the course of the study the City decided that more up-to-date maps were to be used then the price of the study would go up.

Mr. Lassiter stated that he did not know whether the other engineers had included new maps in their proposals or not. Mr. Lassiter stated that in the distribution study the improvements that need to be made need to be prioritized so that the most critical improvements can be made first so that some financial planning could be done by the City. Mr. Lassiter stated that his firm would have the computer model of the City's distribution system and it would be made available to the City along with the electronic media, computer diskettes and data storage information so that the City could model their own water system on their own computer.

Jimmy Griffith stated that Commissioner Simond had asked about cost variations and one of the reasons their proposal was so low is because his firm had done the previous work at the plant, they had tied down all the lines and were very familiar with the system. Mr. Griffith stated that his firm would have the design completed in two weeks and could move on with the job, making sure that the pumps were in by summer. Mr. Griffith stated that his firm had already done an analysis of the City's meter books and an infiltration analysis and have it distributed on the map.

Mr. Griffith stated that in visiting the plant last week he observed that one of the pumps is currently down, and another one is running nip-and-tuck and might not make it until summer. Mr. Griffith stated that his firm could do the distribution analysis in two months which would be sufficient time to do any fine-tuning. Mr. Griffith stated that if the City comes back in the future and makes improvements, for instance, to an elevated tank south of town, it will effect the overall operation of the pumps to some degree. Mr. Griffith stated that the pumps that are existing will have to work with the new pumps and it wouldn't be advisable to end up knocking their capacity down by not designing them together with a proper manifold system.

In answer to question by Commissioner Foley, Mr. Griffith stated that you try to stay within 20% range of the peak operating efficiency of the pump and they can be designed where they will stay within that range even when an elevated tank is added later on.



In response to question by Commissioner Foley, Mr. Griffith stated that he had given the City two separate costs because he thought the distribution analysis might be a future project.

Commissioner Simond stated that he was really reluctant to vote against anyone in the City who is paying taxes, however, even though the proposed bid of Kindle Stone Associates was higher it appeared that they were more experienced.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the City select Kindle Stone Associates as the engineer to begin negotiations for the entire project and for the scope of the work. The following vote was recorded: Aye - Commissioners Boyd, Simond, Malone, Gorden, Foley Nay - Mayor Garrison Mayor Garrison declared that motion carried by a vote of 5 to 1.

Mayor Garrison stated that he could not see choosing the highest estimate and justifying that which is close to double what the other two proposals are and he could not justify voting for Kindle Stone Associates in light of their estimate. Mayor Garrison stated that in his opinion all the firms were capable and he is confident the City will get a good job from whomever they choose.

#### 10a. CABLE TV CONSULTANT

Mayor Garrison stated that the next item for consideration would be inserted as 10a since it had been left off the agenda, and it was to consider proposal for the engaging of a cable TV consultant. Mayor Garrison stated that Merl Saxon's name had come up at an earlier meeting and the Commission had received a proposal from Mr. Saxon which had been distributed to the Commissioners for review.

City Manager Westerholm stated that he had visited with Mr. Saxon to see if the City could get a proposal for the study with a special look into the microwave situation to see if there were room for possible improvements. City Manager Westerholm stated that Mr. Saxon had contacted an associate, Mr. Michael Mead, who is an expert in the field of microwaves and Mr. Mead's resume had been presented to the Commission.

In response to question by Commissioner Foley, Mr. Saxon stated that Mr. Mead would be doing his analysis in Dallas after he had forwarded the material which he will acquire from the cable system. Mr. Saxon stated that there were a number of different analysis' that could be made, some of which could be quite expensive, some of which entailed going up and down the microwave system by truck, and he didn't feel that was necessary. Mr. Saxon stated that a rough idea of what the City already had together with heights and distances of the paths will be provided to Mr. Mead, who will in turn put the information into the computer and come up with some sort of estimate.

In response to question by Commissioner Foley, Mr. Saxon stated that to bring down equipment from Dallas to analysis the signal or whatever is necessary to determine if the signal is satisfactory could be done, but, in his opinion, it isn't necessary and would entail a more comprehensive and valuable study.

In response to question by Commissioner Simond, Mr. Saxon stated that rain and fog and bad weather in general will affect the microwaves and the frequency of which will depend upon how much it affects it and since this subject gets highly technical he would like to leave it up to his associate.

Commissioner Simond stated that he had a number of questions that he would like to ask Mr. Mead and would like to see him come down at some point in the future. Mr. Saxon stated that Mr. Mead plans to come to

Lufkin as a part of the proposal and present his analysis of the system and would be available for questions at that time.

In response to question by Commissioner Foley, Mr. Saxon stated that the proposal would be complete in a week.

In response to question by Commissioner Malone, City Manager Westerholm stated that the proposal would cost \$2,500 for the combined work by Mr. Saxon and Mr. Mead.

Motion was made by Commissioner Simond and seconded by Commissioner Foley that the Commission officially retain Mr. Saxon and his associate Mr. Mead in the study of the cable system including the microwave. A unanimous affirmative vote was recorded.

Commissioner Gorden stated that in a previous meeting discussion was made regarding Cablecom and the rate increase and he had requested the City Secretary to send him a copy of the minutes of the June 19, 1984 meeting. Commissioner Gorden stated that Mr. James, who was then president of the cable division of Capital Cities, had appeared before the Commission at that time and had stated that the system was less than it could be, and if this is so he is contradicting the man he is working for. Commissioner Boyd stated that since that meeting some improvements have been made. Commissioner Malone stated that future improvements were promised at that meeting and he had remembered seeing television announcements that asked for the public to bear with the cable company while the improvements were being made.

Commissioner Malone stated that he would like to know if the Commission was going to have a workshop or whether there would just be a question and answer period during the meeting.

Mayor Garrison stated that after the Commission has received the information from Mr. Saxon and Mr. Mead, it might be a good idea to have a workshop with the consultants along with Mr. James and Mr. Neal.

**11. PUBLIC HEARING DATE - ESTABLISHED - ANNEXATION & PERMANENT ZONING - LOOP 287 BETWEEN LUFKIN AVENUE & SHADYPINE**

Mayor Garrison stated that the Commission now had for consideration establishment of a Public Hearing date for Annexation and Permanent zoning covering property located between Lufkin Avenue and Shadypine on Loop 287 and being a portion of Tract 22 of the G. W. Massingill Survey. Mayor Garrison stated that R. L. Cunningham had been designated as receiver of an estate and ordered to take care of the sale of this property to divide among the heirs.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Public Hearing date for the Annexation and Permanent Zoning for property located at Loop 287 between Lufkin Avenue and Shadypine be established as January 7, 1986. A unanimous affirmative vote was recorded.

**12. RESOLUTION - APPROVED - PAYMENT OF CONTRACTS - NEW CITY HALL**

Mayor Garrison stated that the Commission now had for consideration a Resolution ratifying, confirming and approving contracts for professional services of architects, financial advisors and attorneys; and making provision for the payment of such contracts for the new City Hall.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Resolution making provision for the payment of contracts for professional services on the new City Hall be approved as presented. A unanimous affirmative vote was recorded.



**13. POLICE STUDY - POSTPONED - PROGRESS REPORT**

Mayor Garrison stated that at last meeting of this Commission Commissioner Don Boyd had requested a progress report on the Police Study. Commissioner Boyd stated that discussion of this item would probably be lengthy and due to the lateness of the hour he would request that same be postponed until the January 7th meeting.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that Police Study progress report be postponed until January 7th meeting. A unanimous affirmative vote was recorded.

**14a. BID - REJECTED - FENCE AT BRANDON PARK - T & K FENCE CO.**

Mayor Garrison stated that the Commission had invited bids for the construction of a fence to be used in fencing Brandon Park. Mayor Garrison stated that the bid was for material only and that the fence would be erected by City employees. City Manager Harvey Westerholm stated that the low bid was from T & K Fence Co. of Nacogdoches for \$5,060.35.

Mayor Garrison stated that he supposed that it was still the opinion of the members of the City Commission that it was advisable to fence Brandon Park. Mayor Garrison stated that he had noticed a number of letters of protest regarding closing the park in the newspaper which were from people who were obviously misinformed; they had not heard everything that the Commission had heard from the citizens of that area about the Park. Mayor Garrison stated that in his opinion the fence could be used to some advantage when the park is reopened.

Commissioner Pat Foley stated that he had not been at the meeting when the park was closed and he had a difference of opinion on the subject of closing the park. Commissioner Foley stated that he had some reservations about fencing off a public park and in his opinion, if there are problems at the park that would take a full time officer to control, then that's what the City should do. Commissioner Foley stated that by fencing the park the City would be running away from the problem and his suggestion would be to attack the problem head-on. Mayor Garrison stated that it was his understanding from some of the people attending the previous meeting that they felt if the park were fenced the crowds could be better controlled and the park would have a better use for the younger people.

Commissioner Don Boyd stated that in his opinion an 8" oak wood fence between the church property and the park property would serve a better purpose.

Commissioner Boyd stated that closing of the park was a temporary measure and if it were completely sealed off by a fence the city would have to be concerned with opening and closing the gates at certain times. Commissioner Boyd stated that he could not see fencing off the park and he had stated same at the previous meeting.

In response to question by Commissioner Pat Foley, Commissioner Simond stated that he did not think it would be practical to have an officer on duty 24-hours a day at the park. Mayor Garrison stated that the Recreation & Parks employee who worked at the park stated at the previous meeting it was impossible to control the situation at the park.

Mayor Garrison stated that he was distressed that the fence would cost so much. Commissioner Simond stated that he was concerned that the price was so high and was only for the wire.

In response to question by Mayor Garrison, Recreation & Parks Director Don Hannabas stated that in his opinion the activities that had been

complained about were not park related as far as the recreation program for the park. Mr. Hannabas stated that there were undesirables coming into the park but in his opinion the fence would not stop anything. Mr. Hannabas stated that the Church's complaint had been that the people were parking on the church property and activities from the park were spilling over onto church property.

Commissioner Boyd stated that the biggest problem was people coming in on the back parking lot of the church on their way to the park and in his opinion putting up a fence separating the church property from the park property would keep the undesirables off the back parking lot of the church. Commissioner Foley stated that some 4' posts erected along the property line would serve the same purpose as a fence in keeping people off the property. In response to question by Commissioner Foley, Police Chief Leonard Latham stated that he had not heard of any problems in the last few weeks but prior to that he was having the area policed regularly and in his opinion that had helped. Chief Latham stated that if it becomes necessary he could have an officer outside the church during the church services. Commissioner Boyd stated that a park patrol could possibly be established. Commissioner Foley stated that he wondered if the playground equipment were geared to a younger age group if this could help to alleviate the problem. Commissioner Simond stated that it was not the equipment that was causing the older group to come to the park - they were coming for dope. Commissioner Simond stated that he did not agree with sending a police officer to the park to take care of the dope addicts. Commissioner Simond stated that in his opinion unless 2 or 3 officers are sent to the park there would probably be an incident involving the police and offenders and could possibly turn into a racial incident.

Commissioner Boyd stated that if the park had some lights it would help the situation and if the lighting was doubled it would keep a lot of the trouble down. Commissioner Simond stated that the decent people in that area wanted the offenders away from the park. Commissioner Boyd stated that he read a letter in the newspaper from the grandmother of the young man who was killed in the park and she did not want the park closed. Commissioner Boyd stated that everyone that went to the park was not "bad". Commissioner Boyd stated that someone needed to sit down and work out a program where the park could be put to good use, perhaps used by the Boy Scouts, to keep it policed and have better lighting. Commissioner Boyd stated that even if the Commission spent \$25,000 for a fence it would not solve the problem, the troublemakers would just hang out outside the fence. Commissioner Foley stated that he liked the Mayor's suggestion of having Commissioner Boyd monitor the situation at the park and give a report at the next Commission meeting. Commissioner Simond stated that he would like to know who would monitor the lights being shot out every night and in his opinion the lights would be shot out on a regular basis.

Motion was made by Commissioner Boyd and seconded by Commissioner Pat Foley that the park be flooded with lights, separate the church parking lot from the property, keep the park under observation, and reconsider the situation at a later meeting. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Boyd and seconded by Commissioner Foley that bid on fence from T & K Fence Co. of Nacogdoches be rejected. A unanimous affirmative vote was recorded.

**14b. BID - APPROVED - CARPET - RECREATION AND PARKS DEPARTMENT**

Mayor Garrison stated that the Commission now had for consideration bid for carpet to be used in the gymnastics room at the downtown recreation center. City Manager Harvey Westerholm stated that the low bid had been received from Carpets by Curiosity in the amount of \$2,592.87.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Lynn Malone that bid by Carpets by Curiosity in the amount of \$2,592.87 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

**15. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES - INTERCEPTOR**

Mayor Garrison stated that the Commission had for consideration an invoice from Everett Griffith and Associates for engineering fees for work completed to date on the sewer interceptor.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Boyd that invoice from Everett Griffith and Associates for engineering fees for sewer interceptor in the amount of \$6,585.06 be approved for payment. A unanimous affirmative vote was recorded.

**16. NOTICE OF INTENT - APPROVED - COMPLETION CERTIFICATES OF OBLIGATION - SEWER TREATMENT PLANT**

Mayor Garrison stated that in order to issue Completion Certificates of Obligation for the additional funds needed on the sewer plant contract, two (2) weeks prior notice must be given of our intent to issue same in order to complete the project.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond authorizing notice of intent to issue completion Certificates of Obligation for sewer treatment plant. A unanimous affirmative vote was recorded.

**17. LOW FLYING AIRPLANES - HANDICAPPED PARKING**

Commissioner Percy Simond stated that while driving downtown last week he had observed an airplane which appeared to be just above the light poles and he would like to know if the City or the FFA monitored low flying planes. Commissioner Simond stated that the airplane did not appear to be in trouble. City Manager Harvey Westerholm stated that if a number could be read on a low flying plane it could be reported to the FFA. City Manager Westerholm stated that he would be in touch with the airport and see if he could get any information regarding this airplane.

Commissioner Percy Simond stated that he would like to know if the city does anything about people who are not handicapped parking in handicap areas on city streets. City Manager Westerholm stated that he would pass this information on to the meter maids for observation.

Commissioner Pat Foley stated that he had enjoyed working with the members of the Commission and would like to wish each one a Merry Christmas and Happy New Year. Mayor Garrison stated that the Commission would send the message back to Commissioner Foley.

18. There being no further business for consideration, meeting adjourned at 7:21 P.M.

  
Peter H. Garrison - Mayor

ATTEST:

DATE 12/17/85

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*Atha Stokes*  
Atha Stokes - City Secretary