

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF MARCH, 1985 AT 7:30 P.M.

On the 5th day of March, 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, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Nicholas Finan	City Planner
Ron Wesch	Public Works Director

being present when the following business was transacted.

1. Meeting opened with prayer by Reverend Stephen Bancroft, Minister of St. Cyprian's Episcopal Church, Lufkin, Texas.

2. APPROVAL OF MINUTES

Minutes of the regular meeting of February 19, 1985, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

3. PUBLIC HEARING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - ROBERT CHERRY

Mayor Garrison stated that a request had been received from Robert Cherry d/b/a Cherry's Grocery that property located at the intersection of Highway 103 and North Raguet Street be considered for designation as a Reinvestment Zone for the Tax Abatement Program.

Mayor Garrison officially opened Public Hearing and recognized Don Duran, local attorney, appearing in representation of Mr. Cherry. Mr. Duran stated that a total of \$195,964 was estimated to be spent on renovation and enlargement of the current facility. Mr. Duran stated that Mr. Cherry had canvassed the area where his business is located and determined that other businesses in the area are not interested in improving their property with the only development the last five (5) years being warehouses or big industry development. Mr. Duran stated that the area is obviously depressed without much retail interest, and many businesses up for sale have had no inquiries within the last year. Mr. Duran stated that Cherry's Grocery has been in operation since 1948 and once renovation is complete Mr. Cherry would hire two (2) additional fulltime employees and one (1) part-time employee. Mr. Duran stated that the renovation of the property is an attempt by Mr. Cherry to revitalize the area.

In response to question by Commissioner Lynn Malone, Mr. Duran stated that the expansion of the building would be to the rear of the prop-

erty. There was no opposition present. Mayor Garrison officially closed Public Hearing due to lack of discussion.

4. ORDINANCE - APPROVED - FIRST READING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - ROBERT CHERRY

Mayor Garrison stated that the Commission now had for consideration approval of the Ordinance designating a Reinvestment Zone for the Tax Abatement Program as requested by Robert Cherry covering property located at the intersection of Highway 103 and North Raguet Street.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading for a 15 year Tax Abatement period. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that he would like to discuss time limits for Reinvestment Zones before applications are presented and that guidelines should be established to determine how the time limit would be designated. Mayor Garrison stated that it was suggested by the City staff that a map could be developed to determine which areas would receive 5, 10 and 15 year time limits on Reinvestment Zones. Commissioner Simond stated that he would like to have a copy of the proposed map prior to next meeting for study.

5. ZONE CHANGE ORDINANCE - APPROVED - SECOND READING - GUS BOESCH - RL TO MD

Mayor Garrison stated that Ordinance for Zone Change Request by Gus Boesch covering property located at the end of Hubbard Street south of Paul Avenue and west of South Medford Drive from Residential Large to Manufactured Dwelling had been approved on First Reading at last meeting of this Commission.

Mayor Garrison stated that he had requested information from the City staff regarding the cost of opening Hubbard Street into the subdivision, and an estimate of \$2,895 had been submitted for consideration.

Commissioner Lynn Malone stated that he was in favor of spending the money to open Hubbard Street but he questioned why Wood Street directly behind the proposed subdivision has not been improved when there were two or three residents on the street. Commissioner Malone stated that the present surface is wide enough for one car. City Manager Westerholm stated that a request had not been received from the residents of Wood Street for improvements and because Wood Street is a deadend with very little traffic the City has not sought to make improvements. Gus Boesch stated there are no residences on the unsurfaced section of Wood Street which is an oil top street.

In response to question by Commissioner Lynn Malone, City Planner Nick Finan stated that the subdivision Ordinance requires curb and gutter be provided by the developer in all subdivisions inside the City of Lufkin or in the extraterritorial jurisdiction. Mr. Finan stated that the Planning & Zoning Commission reviews the street layouts and the Public Works Department reviews the subdivision when development is complete to be sure that all the Ordinances have been followed.

Commissioner Pat Foley stated that when The Settlement subdivision was developed a concrete sidewalk was installed instead of curb and gutter. Commissioner Foley stated that when the City Commission was informed that sidewalks were constructed rather than curb and gutter, the City Commission decided that curb and gutter would be required in all future subdivisions. Commissioner Foley stated that Mr. Boesch will be required to provide curb and gutter inside

his proposed subdivision. City Manager Westerholm stated that The Settlement subdivision is outside the City limits but in the extra-territorial jurisdiction and the concrete sidewalks were designed to provide a rural atmosphere to the subdivision. City Manager Westerholm stated that all subdivisions within a two (2) mile radius of the City of Lufkin have to conform to City Ordinances. There was no opposition present.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Zone Change be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

6. ZONE CHANGE ORDINANCE - APPROVED - SECOND READING - ADAMS, MUSICK & RICHARDSON - RL TO LB, SU (PROFESSIONAL OFFICES)

Mayor Carrison stated that Ordinance for a Zone Change Request by Adams, Musick and Richardson covering property located on South John Redditt Drive between Turtle Creek and Copeland Street from Residential Large to Local Business, Special Use (Professional Offices) had been approved on First Reading at last meeting of this Commission. There was no opposition present.

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

7. AMENDMENT - PARKING ORDINANCE - APPROVED - SECOND READING

Mayor Carrison stated that an Amendment to the Parking Ordinance regarding parking time limits on Third Street had been approved on First Reading at last meeting of this Commission.

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

8. BIDS - APPROVED - FIREWORKS - 4TH OF JULY CELEBRATION - COLONEL WISE, INC.

Mayor Carrison stated that bids for fireworks for use in the 4th of July celebration had been considered at last meeting of this Commission and there was some question in regard to the safety of products produced by the low bidder, Zambelli.

City Manager Westerholm stated that Colonel Wise had bid \$4,500 and Zambelli had bid \$3,700 but Don Hannabas, Parks & Recreation Director had recommended the bid of Colonel Wise and City Commission had requested that references for Zambelli be checked.

Commissioner Louis Bronaugh stated that he would vote for the bid of Colonel Wise as recommended by Parks & Recreation Director because Mr. Hannabas was familiar with this company and the fireworks were a dangerous situation which would require confidence in the product.

Mayor Carrison stated that information received on Zambelli indicated that the firm had performed at the State Fair of Texas since 1973 without incident. Commissioner Bronaugh stated that he understood that the mortars were in metal containers on the expensive fireworks and cardboard containers on the less expensive fireworks. Mayor Carrison stated that he was concerned with the fact that Colonel Wise had been providing the fireworks for 11 years and the City did not know if the prices were competitive without competitive bidding. City Manager Westerholm stated that the prices were obtained from Colonel Wise's catalog and this was the first year

bids were received for the purchase of fireworks because previously purchase had been from the proceeds of the 4th of July celebration.

Commissioner Louis Bronaugh stated that he would suggest that Colonel Wise be awarded the bid this year and informed that he was the high bidder and the fireworks would be competitively bid in the future. Commissioner Pat Foley stated that shooting of the fireworks was not extremely dangerous and was willing to go with the bid by Colonel Wise. Commissioner Foley further stated that if he thought it was extremely dangerous, he would not want the City employees lighting the fireworks.

In response to question by Mayor Garrison, Parks & Recreation Director Don Hannabas stated that Lambelli had contacted his office in the past wanting to bid on the fireworks show and the fair thing was to send a bid form regardless of the questionable reputation. Commissioner Don Loyd stated that the Kentucky State Fire Marshal's office gave a poor rating to Lambelli which is not based in Kentucky but Colonel Wise is in Kentucky.

Mayor Garrison stated that he did not feel there was enough information available to determine that one firm is more dangerous. Commissioner Louis Bronaugh stated that he would suggest that comments regarding qualifications not be invited from competitors.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid be awarded to Colonel Wise, Inc. for \$4,500 as the best bid. The following vote was recorded: Aye: Mayor Garrison, Commissioners Bronaugh, Simonds, Foley, Jordan, Malone Nay: Commissioner Loyd Mayor Garrison declared motion approved by a vote of 6 to 1.

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - E. A. SIMPSON - COMMERCIAL, SPECIAL USE TO COMMERCIAL

Mayor Garrison stated that Zone Change Request by E. A. Simpson covering property located at 2303 North Raguet Street between Henderson and McMullen Street from Commercial, Special Use to Commercial had been recommended to City Commission for approval by the Planning & Zoning Commission. There was no opposition present.

Commissioner Lynn Malone stated that due to the close proximity of the development and the Nursing Home perhaps concern should be given to the hours of operation and perhaps a sightbearing fence should be constructed between the Nursing Home and the Commercial property.

Mayor Garrison recognized Mr. Larry Simpson, who stated that he proposed to build a warehouse with a small office consisting of four (4) units and the back of the building will face the Nursing Home. Mr. Simpson stated that these would be rental units and he had visited with the Nursing Home administrator, who had no problems with the construction.

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

10. ORDINANCE - APPROVED - ZONE CHANGE REQUEST - FIRST READING - GEORGE R. TAYLOR - RL TO RM

Mayor Garrison stated that the Zone Change Request by George R. Taylor covering property located at 1711 Courtney between South Medford and Card Drive from Residential Large to Residential Medium had been recommended to City Commission for approval. There was no opposition present.

tiate the money direct rather than selling the Certificates of Ligation to individuals and the banks could be required to issue monthly checks on the Certificates. Mayor Garrison stated that the interest rate would be determined when the bonds are approved for issue.

Mayor Garrison stated that the City Commission now had for consideration approval of the architectural plans and recognized Jerry Hill in that regard. Mr. Hill stated that Plan "A" would renovate the present City Hall, include the enlargement and new jail cells. Mr. Hill further stated that Plan "B" would include modifications of the jail cells and minor modifications to the facade of the present City Hall. Mr. Hill stated that Plan "C" would be keeping the present City Hall renovation to a minimum. Mr. Hill further stated that if the jail cells were omitted from Plan "A" the price would be reduced approximately \$60,000, and the addition of extra size on the tiers to add an additional story in the future would increase the price approximately \$25,000. Mr. Hill stated that provisions for a third story should definitely be included in the plans to provide for future growth of the City of Lufkin.

Commissioner Pat Foley stated that consideration might be given to renovation of the present jail cells. Commissioner Boyd stated that there had been talk of City jails being included under the State Standards but normally prisoners are in the City jail for approximately four (4) hours before being transferred. Commissioner Boyd further stated that space would be left for addition to the jail cells in case they were needed in the future but if cities were included under the Jail Standards Act most cities would contract with county jails to handle city prisoners.

In response to question by Mayor Garrison, Mr. Hill stated that additional parking is included in the price for renovation but not additional land.

In response to question by Commissioner Percy Simon, Mr. Hill stated that his architectural firm would return to the City and meet with Department heads to decide what is needed, which should take approximately one (1) month and within five (5) to six (6) months the project should be ready for bids.

Motion was made by Commissioner Percy Simon and seconded by Commissioner Pat Foley that Plan "A" without additional jail cells and inclusion of provisions for a third floor be approved and architect be authorized to proceed. A unanimous affirmative vote was recorded.

13. AUDIT REPORT - ACCEPTED - AXLEY & RODE

Mayor Garrison stated that the City Commission now had for consideration audit report for the 1993-94 fiscal year as prepared by Axley & Rode. Mayor Garrison further stated that Lynn Montes was present to answer any questions of the City Commission.

Mr. Montes stated that the City of Lufkin has a very good computer system and financial statements are prepared on the City's computer that are invaluable information to the City Commission. Mr. Montes stated that the Audit Report contains much information for the day-to-day operation for the City of Lufkin and a report on the compliance to revenue sharing legislation had been included. Mr. Montes stated that he found the City of Lufkin in good condition and the City has attempted to solve problems experienced in the past with Purchase Orders. Mr. Montes further stated that all entities that use Purchase Orders will have emergency situations where the product is obtained before the paperwork is completed on the Purchase Order.

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

11. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - JAMES W. STEVESON - RS TO RS, SU (BEAUTY SHOP)

Mayor Garrison stated that Zone Change Request by James W. Steveson covering property located on Howard Street between Denman Avenue and Springwood from Residential Small to Residential Small, Special Use (Beauty Shop) had been recommended to City Commission for approval by the Planning & Zoning Commission. There was no opposition present.

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

12. ORDINANCE - APPROVED - FIRST READING - CERTIFICATES OF OBLIGATION - SERIES 1985 - ARCHITECT AUTHORIZED TO PROCEED

Mayor Garrison stated that City Commission now had for consideration an Ordinance authorizing the issuance of Certificates of Obligation for financing the proposed City Hall expansion and to consider authorizing the architect to proceed with the plans.

Commissioner Pat Foley stated that the Ordinance caption stated that the City of Lufkin would levy an ad valorem tax to pay for the bonds and he questioned whether it should be indicated that revenue sharing funds would be used to pay back the bonds. City Attorney Flournoy stated that the Ordinance caption was correct because revenue sharing might be unavailable in the future and the tax would be included in the approved Ordinance.

In response to question by Commissioner Pat Foley, City Attorney Flournoy stated that if the entire \$4,000,000 issue was not needed the City of Lufkin would not have to sell all the Certificates. Mayor Garrison recognized Tom Wolf, representing First Southwest Company, who stated that the interest rate is left open until the Certificates are issued and in Section 3 on page 3 of the Ordinance it is stated ".....at the per annum rates to be determined and established at a later date (but in no event shall the Certificates bear interest at a net effective rate in excess of 15% per annum calculated in the manner required by Article 717K-2, VATCS as amended)." Mr. Wolf stated that the interest rate should be decided when the City is ready to begin construction. City Attorney Bob Flournoy stated with this one change the Certificates of Obligation would be the same as previously submitted to his office and the Ordinance met his approval.

In response to question by Commissioner Jack Gorden, Mr. Wolf stated it is the option of the City Commission to suggest bond attorneys but for the present time his firm was using a legal firm that they have used in the past with compatible rates.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading as presented and that emergency clause be eliminated from the Ordinance. A unanimous affirmative vote was recorded.

In response to question by Commissioner Percy Simond, City Attorney Bob Flournoy stated that a City Commission cannot make an obligation that lasts more than one (1) year by state statutes and, therefore, the Certificates of Obligation are necessary in lieu of going to different banks to obtain the money. Mayor Garrison stated that it is still the option of the City Commission to contact banks to nego-

In response to question by the Commissioners, Mr. Oit's stated that the liability shown for compensated absences is in regard to sick pay for Civil Service employees and was included in the report because of a change in Accounting Policies.

Motion was made by Commissioner Louis Cronaugh and seconded by Commissioner Don Boyd that Audit Report be accepted as presented. A unanimous affirmative vote was recorded.

14. BID - APPROVED - AERATOR - WATER PRODUCTION DEPARTMENT - INFILCO

Mayor Garrison stated that bids had been received for the purchase of an aerator for the water Production Department and requested that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that the Infilco brand is established at the water Plant at the present time and bids were requested for an Infilco Aerator which resulted in one (1) bid being received. City Manager Westerholm stated that the bid price was \$14,034 and that \$100,000 had been budgeted for renovating the storage tank and purchase of the aerator. Mr. Westerholm stated that if the 12" riser has to be replaced in the storage tank the bid amount will be over the budget but if the riser is not replaced it will be under budget \$3,249.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that bid of Infilco in the amount of \$14,034 be approved. A unanimous affirmative vote was recorded.

15a. INVOICE - APPROVED - NELL McCALLUM & ASSOCIATES, INC.

Mayor Garrison stated that invoices had been received from Nell McCallum & Associates, Inc. in regard to the lawsuit over the shooting at the Pluss-Tex Plant. City Attorney Flournoy stated that the invoice was for depositions taken for the doctors, officers, and individual bringing the lawsuit.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that invoice be approved for payment. A unanimous affirmative vote was recorded.

15b. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES

Mayor Garrison stated that an invoice had been received from Everett Griffith & Associates and requested that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that the invoice was for reviewing Dr. Roper's study and recommendations. It also covered work performed with the Environmental Protection Agency and Texas Department of Water Resources for the new facilities plan and amounted to \$2,386.05.

Commissioner Louis Cronaugh stated that there was a charge of \$440 for Sam Maumann and Jimmy Griffith to attend City Commission meetings. City Manager Westerholm stated that a breakdown of the fees had been included with the invoices previously submitted by Everett Griffith & Associates. Commissioner Pat Foley stated that the City Commission had refused in the past to pay a \$3,500 bill to Jimmy Griffith.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that invoice be approved for payment in the amount of \$2,336.05. Following vote was recorded: Aye: Mayor Garrison, Commissioners Cronaugh, Boyd, Simond, Malone Nay: Commissioners Gorden, Foley Mayor Garrison declared motion approved by a vote of 5 to 2.

Commissioner Percy Simon stated that the City of Lufkin could inform engineers previous to a meeting that the City will not pay for time spent in the City Commission meetings. Mayor Garrison stated that the City should not be charged for this time when the engineering firms would present their proposed plans.

15c. INVOICE - APPROVED - STIVER ENGINEERING, INC.

Mayor Garrison stated that an invoice had been received from Stiver Engineering, Inc. and requested information from City Manager Westerholm.

City Manager Westerholm stated that he had talked with Mr. Stiver who indicated he was basically through with the work at the Water Pollution Control Plant and the City could receive two (2) small bills in the amount of approximately \$200.

Motion was made by Commissioner Louis Cronaugh and seconded by Commissioner Don Boyd that invoice in the amount of \$691.72 be approved for payment. A unanimous affirmative vote was recorded.

15d. INVOICE - APPROVED - HANNAH & GUTHRIE

Mayor Garrison stated that the invoice from Hannah & Guthrie in regard to the Gary Spencer case was now ready for consideration.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Cronaugh that invoice be approved for payment as presented in the amount of \$727.89. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that the budget should be amended for this invoice because the attorney's fees have not been budgeted.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simon that the budget be amended to pay the invoices for Hannah & Guthrie and Jell McCallum & Associates, Inc. and that the funds be obtained from the contingency fund. A unanimous affirmative vote was recorded.

16. CITY OF LUFKIN - WATER STUDY - ENTITIES TO JOIN - DENIED - KINDLE STONE & ASSOCIATES, INC.

Mayor Garrison stated that at the last City Commission meeting Commissioner Pat Foley had requested that consideration of inviting other entities to join in the City of Lufkin water supply be placed on the agenda for consideration and that Billy Sims of Kindle Stone & Associates, Inc. was present to indicate his justification for other entities to participate in the water study. Mr. Sims stated that he had been requested to submit a letter explaining in more detail why he was recommending that the City invite other entities to participate in the water study. Mr. Sims further stated that the following two (2) reasons are why he had suggested that other entities be included: (1.) The work done to date has revealed that the City has a need for additional water supply within the near future, the cost to develop the source will be high and most of the neighboring cities have a similar need. Joint facilities would result in less cost to all parties by economy of scale and would result in less of a water rate increase to pay for the project, operation and maintenance cost; (2.) If all entities look independently to find the cheapest source of water many will develop wells in the Carrizo Aquifer and additional wells will reduce ground water available to the City of Lufkin.

Mr. Sims further stated that if the City planned to allow other entities to participate this would be the time because if the study was completed before entities were invited, additional expense would be incurred because it would be necessary to revise the report.

Mayor Garrison stated that he did not believe that the City of Lufkin could justify asking Cities to join in the study without jeopardizing the rights of the citizens of the City of Lufkin. Mayor Garrison stated that when the study to bring the water from Sam Rayburn into the City of Lufkin was conducted, it was decided not to because our supplying water to the City of Diboll meant they might have to depend on the City of Lufkin for water. Mayor Garrison stated that the City of Lufkin would have to agree to give the City of Diboll part of Lufkin's water supply and when the water is low and demand is high have to decide who would be deprived of the water. Mayor Garrison stated that the people of Diboll decided they did not want to be subservient to the City of Lufkin when the last study was completed, but a contract might be negotiated indicating that they would receive untreated water at their expense. Mayor Garrison stated that other entities might use the pipe laid by the City of Lufkin as a conduit but the legal options of supplying water are more than the City of Lufkin should assume. Mayor Garrison stated that he had not heard that any other entities wanted to be included in the water study.

Commissioner Pat Foley stated that the reason the Diboll-Lufkin water study was not pursued was because the water supply existing was not of sufficient quantity at that time. Commissioner Foley stated that he had requested this item be placed on the Agenda because the City Commission should consider a plan to provide more water at a lower cost. Commissioner stated that he understood that the City of Longview and other Cities provide water to surrounding areas without any problems. Commissioner Foley stated that the City Commission could consider a plan to get the best price on water in the future.

Mayor Garrison stated that the amount of money would not be significant enough to relinquish a part of the water in the Sam Rayburn Reservoir that the City of Lufkin has been buying for several years. Mayor Garrison further stated that a cooperative effort would be another matter and if the City of Lufkin wanted to get an additional allocation to be used for other entities the other entities could use the system developed by the City of Lufkin to carry the water. Mayor Garrison stated that the City of Lufkin has been paying for the water since 1969 and while he did not mind sharing with the other entities, they should make their own contract with Sam Rayburn Reservoir and simply use the City of Lufkin's system to carry their water. Mayor Garrison stated that 27,000,000 gallons are allocated for the City of Lufkin at the reservoir and lines would be built large enough to provide for future growth of the City of Lufkin. Mayor Garrison stated that he would like to work with other Cities and still be protective of the rights of Lufkin's citizens. Mayor Garrison further stated that other entities should conduct their own studies and he did not want to put encumbrances on the City of Lufkin that might jeopardize future water supplies. Mayor Garrison stated that if the City of Lufkin desired to sell water, it should be allowed but under an agreement dependent on the supply available.

Commissioner Foley stated that there are several water systems near the City of Lufkin and as the City grows and expands it might be necessary to obtain some of the water systems in the future. Commissioner Pat Foley stated that the City of Lufkin would not deny water to these systems if there is a need.

Motion was made by Commissioner Pat Foley that Billy Sims be authorized to contact additional entities in regard to their participation in the water study by the City of Lufkin. There was not a second for the motion, and Mayor Garrison declared motion denied for lack of a second.

Commissioner Jack Gorden stated that the papermill uses 13,000,000 gallons of water a day which is three (3) times the amount used by the City of Lufkin, which would make them the major water user for the area of Lufkin. Commissioner Gorden stated that if the City of Lufkin went to Sam Rayburn Reservoir for water and lessened their dependency on the Aquifer they would be leaving the Aquifer water for other Cities and the papermill. Commissioner Gorden stated that some type of communication should be attempted in this regard.

Commissioner Louis Bronaugh stated that he was concerned about how the State of Texas was going to develop their water plan. Mayor Garrison stated that he suspected that it would be in the form of control of underground water sources in the near future on an allocation basis. Mayor Garrison further stated that the time will come when individual users will be using more surface water than ground water. Mayor Garrison stated that St. Pegasus was aware of the water problem and they were using more surface water and reducing the amount of water used in the paper making process.

17. EXECUTIVE SESSION - APPOINTMENTS - ZONING BOARD OF ADJUSTMENT & APPEALS, DISCUSSED - LAWSUIT, DISCUSSED - REAL ESTATE, DISCUSSED

Mayor Garrison stated that the Commission would now go into Executive Session to discuss items with the City Attorney. Mayor Garrison recessed formal open meeting of City Commission at 9:53 P.M. Mayor Garrison reconvened meeting of City Commission at 10:25 P.M. and made announcements to those present regarding results of the Executive Session.

Mayor Garrison stated that there were no announcements in order regarding any items discussed in the Executive Session and that the City Commission had talked about appointments to the Zoning Board of Adjustment & Appeals, discussed a lawsuit that the City Attorney had informed them about, and discussed real estate transaction that may or may not be pursued. Mayor Garrison further stated that at this time he could not make any public announcements and in the course of the next few weeks announcements might be forthcoming.

18. IDENTIFICATION FOR MINORS, DISCUSSED - POLICE STUDY, DISCUSSED - JOINT MEETING WITH NACOGDOCHES, DISCUSSED - FIRE STATION MAN-POWER, DISCUSSED - AFFIRMATIVE ACTION COMMITTEE, DISCUSSED

Commissioner Louis Bronaugh stated that the question of non-drivers and how they would obtain identification cards had been discussed at last meeting of the City Commission. Commissioner Bronaugh stated that he had checked with the Department of Safety who stated that they would issue I. D.'s for \$5.00 if the applicant would provide a Birth Certificate.

Commissioner Bronaugh further stated that it had been discussed at a meeting in Austin that the City of Nacogdoches and the City of Lufkin should have a joint meeting, and perhaps, the City of Lufkin should issue an invitation for the City of Nacogdoches to have a luncheon meeting.

Commissioner Don Boyd requested information on the Police study and what provisions had been implemented. Assistant City Manager Brian Boudreaux stated that after the plan had been in effect for six (6) months the Department had implemented 35 to 90% of the suggestions and the program was evaluated after one year but had not been evaluated since. Commissioner Don Boyd stated that he would like to have the program for the Police Department re-evaluated. Commissioner Don Boyd further stated that he would like to know if changes would be implemented in the Fire Department as suggested in the newspaper articles which indicated that there was only one (1) man at the Fire Station on Kurth Drive.

Commissioner Percy Simond stated that the Affirmative Action Committee had suggested that applicants for City jobs be mailed notification letters that they did not get the position and this should be implemented. Commissioner Simond further stated that the City of Lufkin Fire Department has more controversy than other Fire Departments in the area and since the article had appeared in the Lufkin Daily News he had heard the comment that only one fireman was at the station on Kurth Drive because the houses in that area were not expensive. City Manager Westerholm stated that more damage could be done by a fire in the Mall areas or the downtown areas because one house does not usually involve the structures around it if a fire develops. Mayor Garrison stated that the statement should not have been made because the City of Lufkin is not trying to protect money but lives and homes. City Manager Westerholm stated that when the City of Lufkin developed the emergency medical service they had 1,200 calls per year and now they are averaging 4,800 calls per year. City Manager Westerholm further stated that there is never more than 17 firemen on duty on any shift and there is a total of 61 employees in the Fire Department at this time.

In response to question by Commissioner Don Boyd, Chief Stephens stated that there should be eight (8) firemen at the Central Station, three (3) at the Bynum Station, three (3) at the Atkinson Station, three (3) at the Loop. Commissioner Don Boyd stated that there should be three (3) men at the Kurth Drive Station also. City Manager Westerholm stated that when a fire developed all stations are called to respond.

In response to question by Commissioner Percy Simond, Chief Leonard Latham stated that the patrol policy would vary according to the time of day and that 35% of all accidents relate to right-of-way violations and 23% are caused by speeding. Chief Latham stated that the Police Department has to work all phases of traffic control.

19. There being no further business for consideration, meeting adjourned at 10:52 P.M.



ATTEST:

Pitser H. Garrison
Pitser H. Garrison, Mayor

Ann Griffin
Ann Griffin, City Secretary

Robert L. Flournoy
APPROVED BY
ROBERT L. FLOURNOY