

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE 15TH DAY OF OCTOBER, 1985, AT 5:00 P.M.

On the 15th day of October, 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
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Nicholas Finan	City Planner
Atha Stokes	Asst. City Secretary

being present, and

Lynn Malone	Commissioner
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. James Anderton, Minister, First Congregational Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of October 1, 1985, were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - ANNEXATION & PERMANENT ZONING - OLD ORCHARD ADDITION - RL

Mayor Garrison stated that the Commission had for consideration an Ordinance for annexation for the Old Orchard Addition which was formerly a part of the Fuller Springs municipality, and Zoning Ordinance zoning that area as Residential Large.

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

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that zoning to Residential Large be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

Mayor Garrison stated that it will be expensive to the City to bring the Old Orchard Subdivision up to the City's Subdivision Ordinance without resorting to curb and gutter, but he knew the people understood that the City will proceed to do these improvements with as much dispatch as is reasonable.

Commissioner Bronaugh stated that there was some property that was commercial and he would like to know if the Ordinance could be amended so that the property owners would not have to come back before the Commission for a Zone Change. City Planner Finan stated that as present the property would be considered non-conforming and he would con-

tact the owners to come in as soon as possible and submit an application for a zone change to commercial. Mayor Garrison stated that he was not aware of the business being there and the owner could continue to operate in spite of our ordinance as a pre-existing unit, but if he terminates being commercial, the zone would revert back to Residential Large.

5. ORDINANCE - APPROVED - SECOND READING - TEXAS MUNICIPAL RETIREMENT SYSTEM - ANNUITIES FOR RETIREES

Mayor Garrison stated that the Commission had passed on First Reading at last meeting of this Commission an Ordinance updating the service credit and increasing the annuities for the Texas Municipal Retirement System and now had same for consideration on Second and Final Reading.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that the revision of the service credits and annuities for the retirees of the City of Lufkin under the Texas Municipal Retirement System be adopted and approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - SECOND READING - APPROVED - ANGELINA STREET - BREMOND TO ABNEY - SHEPHERD TO DENMAN

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of an Amendment to the Traffic Ordinance in which the speed limit on Angelina Street from Bremond to Abney and from Shepherd to Denman be increased from 30 mph to 40 mph.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that Amendment to Traffic Ordinance increasing the speed limit on Angelina Street from Bremond to Abney and from Shepherd to Denman from 30 mph to 40 mph be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - FIRST READING - APPROVED - MAYBELLE SMITHHEART - 1510 BRANCH STREET - LM TO RS

Mayor Garrison stated that the Commission now had for consideration a request from Maybelle Smithheart covering property located at 1510 Branch Street that zone be changed from Light Manufacturing to Residential Small.

Mayor Garrison stated that Mrs. Smithheart's request to place a mobile home on this property was heard before the Planning & Zoning Commission and received a unanimous decision to recommend same to City Commission. There was no opposition present.

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

8. ORDINANCE - FIRST READING - APPROVED - MARSHALL CANON - 603 SANDYBROOK

Mayor Garrison stated that the Commission now had for consideration a zone change request from Marshall Canon covering property located at 603 Sandybrook from Residential Large to Residential Large, Special Use (Plumbing Supplies: No outside storage or retail sales). There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Ordinance covering property located at 603 Sandybrook from Residential Large to Residential Large, Special Use (Plumbing

Supplies: No outside storage or retail sales) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - FIRST READING - APPROVED - KAROL GREEN - PERSHING AT LOOP 287 - LB, SU (SHOPPING CENTER) TO LB, SU (POST OFFICE)

Mayor Garrison stated that the Commission now had for consideration a zone change request from Karol Green covering property located at the northwest corner of Pershing at Loop 287 from Local Business, Special Use (Shopping Center) to Local Business, Special Use (Post Office).

Mayor Garrison stated that this was to be the site for the new Post Office for Lufkin. Mayor Garrison stated that the Commission had received a letter from Postmaster Joe Anthony in which he informed the Commission that the Postal Service Regional Capital Investment Committee had approved the purchase of the site at Old Union Road and Loop 287 and also to retain the present downtown facility as a downtown post office. There was no opposition present.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that Ordinance for Zone Change Request covering property located at northwest corner of Pershing and Loop 287 from Local Business, Special Use (Shopping Center) to Local Business, Special Use (Post Office) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. APPRAISAL DISTRICT - REPRESENTATIVE - APPOINTED

Mayor Garrison stated that it was time once again to appoint a representative to the Appraisal District Board of Directors and the representative would serve during the 1986-87 term.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Mayor Garrison continue to serve in that capacity. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the Tax Appraisal District has been occupying rented quarters on the West Loop and there was enough money available that was contributed from the beginning and was saved out of operations, an amount in excess of \$200,000-\$230,000, which has been held in reserve to build. In the meantime, the Davis Insurance Agency offered the building they now occupy to the Tax Appraisal at an amount that the District felt was reasonable and would enable them to get into a good facility with much less money than they otherwise would have. Mayor Garrison stated that occupancy is expected by January 1, 1986. Mayor Garrison stated that the building was purchased for \$195,000 and it will take approximately \$20,000 for revisions and the Tax Appraisal District has the money to cover these costs.

11. INVOICE - APPROVED - REDESIGN & REBID - EVERETT GRIFFITH & ASSOCIATES

Mayor Garrison stated that the Commission now had for approval an invoice for redesign and rebid for the Sewer Plant and for regular engineering services from Everett Griffith & Associates.

Commissioner Percy Simond stated that he had had several questions in regard to the redesign and rebid invoice but had spoken to Jimmy Griffith and Mr. Griffith had satisfied his questions.

In response to question by Mayor Garrison, Wayland Quisenberry of Everett Griffith & Associates stated that at one time the bill for redesign and rebid was \$25,000 and that Griffith & Associates felt that rather than have a misunderstanding with the City they would concede that there were some things that they should have looked

after but there were also some things that should have been directed to the City. Mr. Quisenberry stated that in order to be fair they would reduce the amount back to \$10,509.16 even though the Contract would give them the right to bill the full amount. Mr. Quisenberry stated that the amount of \$8,739.00 was for work on the interceptor line.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that invoice from Everett Griffith & Associates in the amount of \$10,509.16 for redesign and rebid be approved as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that invoice from Everett Griffith & Associates in the amount of \$8,739.39 for work on the interceptor line be approved as presented. A unanimous affirmative vote was recorded.

12. INVOICE - NEW CITY HALL BUILDING - MORGAN, O'NEAL, HILL & SUTTON

Mayor Garrison stated that the Commission now had for approval an invoice in the amount of \$152,343.75 from Morgan, O'Neal, Hill & Sutton for the architectural fee on the new City Hall building. Mayor Garrison stated that \$80,000 of this invoice had been approved at last meeting of this Commission and tonight we were approving the balance of \$72,343.75. Mayor Garrison stated that this amount must be paid out of the proceeds from the Certificates of Obligation.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that balance of \$72,343.75 on invoice of \$152,343.75 from Morgan, O'Neal, Hill & Sutton for architectural fees be approved as presented. A unanimous affirmative vote was recorded.

13A. BID - APPROVED - NEW & USED VEHICLES - PUBLIC WORKS/POLICE DEPT.

Mayor Garrison stated that the Commission now had for consideration bids for new and used vehicles to be used in the Public Works and Police Departments. City Manager Westerholm stated that the 1985 Ford LTD used vehicles from Hertz for \$8,299 was the best bid and could include a 2 year guarantee at \$349 per vehicle.

In response to question by Commissioner Pat Foley, Public Works Director Ron Wesch stated that Greater Lufkin Ford would service the warranty on the Hertz vehicles.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that a 1986 Crown Victoria Ford sold for \$11,354 and that was a full-sized vehicle as opposed to the mid-sized vehicles. Public Works Director Ron Wesch stated that Ford had quit making mid-sized LTD's four weeks ago. Public Works Director Wesch stated that he had not sent out specifications for an economy car.

Public Works Director Wesch and Police Chief Latham both stated that they expected 12,000-15,000 miles per vehicle per year. Mr. Wesch stated that he was using his own car as a gauge for the mileage and he was driving a 1979 model car.

In response to question by Mayor Garrison, Public Works Director Ron Wesch stated that the only bid on the 1985 LTD Ford received was the bid from Hertz and that New-McKibben bid used 1985 Oldsmobile Cutlass' for \$9,350.00.

Commissioner Pat Foley stated that he was concerned about the durability of the 6-cylinder cars. Commissioner Jack Gorden stated that in his opinion in the last few years the 6-cylinder had become a better built car.

In response to question by Commissioner Simond, Public Works Director Ron Wesch stated that the four cars being purchased were for himself, Bobby Mott, and two cars to be used by detectives. Public Works Director Wesch stated that the 1985 Ford LTD's purchased from Hertz would have between 20,000 and 23,000 miles and he would recommend buying the 24,000 mile/24 month VIP Protection Warranty, which would cover almost everything except tires and batteries. Mr. Wesch stated that the City would automatically get a 12,000 mile/12 month guarantee with the Hertz cars.

Mayor Garrison stated that he was reluctant to purchase the Hertz cars when we have so many reputable car dealers in Lufkin trying to service us and there's not that much savings involved. Commissioner Simond stated that he was reluctant to buy a rental car or a used car.

In response to question by Mayor Garrison, City Manager Westerholm stated that the Dodge Diplomat would be the lowest bid on full sized cars and the sale of the old City cars would off-set the amount over budget.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that the low bid of \$10,458 for the Dodge Diplomat be accepted as the best bid. A unanimous affirmative vote was recorded.

13b. BIDS - REJECTED - ELLEN TROUT PARKING LOT

Mayor Garrison stated that he was surprised about the parking lot bids for the Zoo and he was under the impression that the \$7,000 in the budget and matching fund of \$6,500 from the Lion's Club would allow the City to have a first class parking lot.

Recreation and Parks Director Don Hannabas recommended that the Commission reject all bids for the Zoo parking lot.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that all bids received for construction of Ellen Trout parking lot be rejected. A unanimous affirmative vote was recorded.

13c. BID - CITY HALL CONSTRUCTION - TRIBBLE & STEPHENS

Mayor Garrison stated that bids for City Hall construction had been opened on October 10, 1985, and a summary of the bids was included in the Commission packets. Mayor Garrison stated that he was surprised that there were no bids from local contractors. Jerry Hill stated that it was his impression that it was a matter of the local contractors having reached their bonding capacity and not that they were not interested.

Mayor Garrison stated that the low bid was from Tribble & Stephens of Houston in the amount of \$3,159,000, and requested Jerry Hill to explain the alternates.

Jerry Hill, Architect, stated that when the estimating department of Morgan, O'Neal, Hill & Sutton was working on the bid for the new City Hall they became concerned when the cost reached \$3,750,000 in their estimating, and listed some deductions on their Addenda #1 with the end result being that the bids came in lower than anticipated. Mr. Hill stated that Tribble & Stephens was also the contractor for the First Baptist Church building and they came in with their bid well prepared to do the job. Mr. Hill stated that on the bid form the base bid was listed first, acknowledgement of the Addenda, and that the first three alternates were deductions put in the bid documents because of the possibility of going over the budget. Mayor Garrison stated that at this point Alternates 1, 2 and 3 could be eliminated.

Mr. Hill stated that Alternate 4 was in regard to reroofing the present City Hall and he would advise keeping same in the bid. Mr. Hill stated that there are bubbles all over the present roof, the roof drains have been abandoned, the last person who replaced the roof did not put in lead flashing and that in the near future there will be a problem with leaks in this building. City Manager Westerholm stated that it had been approximately 8 to 10 years since the roof had been replaced. Jerry Hill stated that it is a "dead level" roof and he would recommend tearing off the two existing roofs and replace it with sloped insulation to where it slopes to the roof drains. Mr. Hill stated that presently the building has a built-up roof and he would recommend replacing it with a single-ply roof.

In response to question by Commissioner Jack Gorden in reference to Tribble & Stephens credentials, Mr. Hill stated that he had brought along a resume of the firm which he would pass around to the Board for review.

In response to question by Mayor Garrison as to how much more cost will be involved in addition to these improvements, Mr. Hill stated that there was some millwork that had been taken out of Addena 2 for storage rooms. Mr. Hill stated that new courtroom furniture had been deleted from the estimate and it had been decided to use the existing furniture in the new courtroom, however, since the bid was lower than expected he would like to see the furniture restored to the bid. Mr. Hill stated that it would take approximately \$30,000 to purchase the courtroom furnishings and he would like to place the order as soon as possible. Mr. Hill stated that the furnishings in the old courtroom would have to be modified to some degree.

Mr. Hill stated that adding the base bid and the Alternate #4 would bring the total amount up to \$3,230,450. Mr. Hill stated that his fee would be 6 1/2% and that the plans and specifications (75 complete sets and 20 partial sets) would be an additional \$8,000 - \$10,000. Mr. Hill stated that in the original estimate \$275,000 had been set aside for furnishings. City Manager Westerholm stated that the cost of the land purchased for the new City Hall would be \$43,000.

Mr. Hill stated that in his opinion the City had a tremendous bid on the new City Hall and he was well satisfied. Mr. Hill stated that after the soil tests it was determined that there was a 6-7" expansion of soil so a structural slab which cost approximately \$100,000 had to be added since it was not in the original bid. Mr. Hill stated that the Police Department had wanted to install a radio and some cameras which cost approximately \$40,000 and was not in the original bid. Mayor Garrison stated that when Mr. Hill said we had a great bid he expected to have around \$500,000 left over and now with all the additional items it looked as if we would be spending the entire \$4,000,000.

In response to question by Commissioner Foley, Mr. Hill stated that he had called 3 or 4 references but he was familiar with Tribble & Stephens and they had a good reputation. Mr. Hill stated that the firm had offices in Houston, Dallas and Austin. Mr. Hill stated that he had spoken to several architects about Tribble & Stephens and had received a favorable report in each instance. Mr. Hill stated that it was his recommendation that the City accept the low bid of Tribble & Stephens and that he would keep the City informed as the work progressed.

In response to question by Commissioner Jack Gorden as to the time frame for completion, Mr. Hill stated that we were looking at 450 days.

In response to question by Commissioner Percy Simond, Mr. Hill stated that there was no penalty for going over the 450 days completion date. Mr. Hill stated that the only place you can make a lawsuit stand up in court is like a dormitory where there is a set fee with income coming in. Mr. Hill stated that he had written into the Contract Documents that if the job is not completed within the 450 days, the contractor will not receive another payment until the building is completed. Commissioner Simond stated that he was concerned that with the number of jobs Tribble & Stephens is involved in currently they would be too spread out and our project would suffer. Mr. Hill stated that the City is dealing with a reputable firm and they were considering locating an office in this area which would be an asset to Lufkin.

City Attorney Flournoy stated that he was of the opinion that it would be better not to try and establish liquidated damages. City Attorney Flournoy stated that if you do have damages as a result of a breach of contract you establish what those damages are in litigation anyway. Jerry Hill stated that you also have to give a contractor an award if they finish the job ahead of the 450 days.

Mr. Hill stated that the firm of Tribble & Stephens does have a Payment and Performance Bond.

Mr. Hill stated that it was his intention to stay on top of the City Hall construction and at the end of each 30-day period he would keep the Commission informed as to the progress of the project. Mr. Hill stated that part of his job was to look after the City's interest in this project.

In response to question by Commissioner Percy Simond, City Attorney Flournoy stated that he would review the contract once it has been written.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that low bid by Tribble & Stephens in the amount of \$3,159,000, including Alternate #4, be accepted subject to our ability to work out a satisfactory contract with them. A unanimous affirmative vote was recorded.

Jerry Hill stated that he would draw up the Contract tomorrow. Mr. Hill stated that the contract would be an AIA document and City Attorney Flournoy could modify same. Mayor Garrison stated that he would personally like to have a penalty clause in the contract if the contractor goes beyond the 450 day completion.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that a special meeting be established for noon, Tuesday, October 22, 1985, for further discussion of the contract and contract documents. A unanimous affirmative vote was recorded.

14. CITY HALL FINANCING - FIRST CITY NATIONAL BANK - FIRST SOUTHWEST SECURITIES

City Manager Westerholm stated that the staff had been working with our depository First City Bank in regard to the City Hall financing and Mr. Bill Prince was present to present a negotiated proposal to the Commission.

Bill Prince stated that one of the problems in Certificate of Obligation financing is non-ability to finance them when you do not have a revenue source and the general obligation issue is such that you cannot sell them for cash. Mr. Prince stated that you must use the Certificates of Obligation to pay for the services. Mr. Prince stated that he had tried to design a vehicle to pay the architect, general contractor, suppliers and others, so that they can concert their CO's

into cash and he was proposing to buy the CO's immediately upon issuance to the particular contractor involved. Mr. Prince stated that this would be considered Stage One - the Construction Period - and the CO's would be issued for a period not to exceed 30 months and can be refunded or paid out anytime prior to that time. Mr. Prince stated that the Bank's proposed interest rate during this up to 30-month period of time would be 75% of the prime rate, and would only be charged on the CO's from the date they are issued with some of them being issued half way through construction and some at the completion of construction.

Mr. Prince stated that he wanted to point out that the 75% of Prime is based on the Bank's current ability to deduct interest as a business expense under current (IRS) TEFRA, 1982, as amended. Mr. Prince stated that this formula is subject to amendment if changes are made in Tax laws which would affect the after tax yield to the Bank on the interim CO's. Mr. Prince stated that the amendments would relate only to the interest formula, would be negotiated in good faith to achieve a mutually agreeable rate based on the Bank's cost of funds, and in no event to exceed 100% of Prime.

Mr. Prince stated that the CO's may be refunded into marketable bonds at any time the construction is completed, not to exceed 30 months. Mr. Prince stated that the agreement to purchase the CO's (interim financing) is subject to agreement to negotiate the Refunding Bond Issue as set out in Stage Two.

Mr. Prince stated that upon completion of the construction, or at the expiration of 30 months, the CO's will be refunded into, or reissued into, Bonds with serial maturities at fixed rates. Mr. Prince stated that First City will be given the exclusive right to negotiate the purchase of the Bonds from the City. Mr. Prince stated that First City absolutely guarantees that it will negotiate in "good faith" as a respected institution with major presence in the market. Mr. Prince stated that failure of either party to negotiate in good faith would be basis for cancellation of this provision by the other party.

Mr. Prince stated that in the unlikely event that negotiations are unsuccessful, the interest rates would not exceed 110% of the Bond Buyer Index.

Mr. Prince stated that it is the intention of First City to provide an acceptable and cost effective means to provide a market for the CO's during construction and a facility to put the debt instruments into the market for long term financing.

Mr. Prince stated that it was somewhat complicated by the fact that the CO's cannot all be issued at one time and must be given to the contractor as opposed to selling for cash.

City Manager Westerholm stated that at this time Mr. Tom Wolf of First Southwest Securities would take our side on this proposal and represent us to determine if Mr. Prince's proposal is an acceptable offer to the City.

Mr. Wolf stated that the difficulty in pricing is that if we were selling it today we would know exactly what the scenario is - we would be under today's tax laws for the entire obligation because some of these CO's will not be issued until next year. The permanent financing is not going to be negotiated for 30 months and there is no guarantee what the interest rates and tax consideration will be 30 months from now. Mr. Wolf stated that the CO's issued in calendar year 1985 would be subject to 1985 tax laws so 75% of Prime would be in place throughout the entire 30 month period, and the CO's issued after the first of 1986 will be subject to 1986 tax laws.

Mr. Wolf stated that as one sitting on the sidelines, he saw Mr. Prince's proposal giving the City interim financing and if the law stays where it is he is saying 75% of their Prime for the first 30-month interval would mean that the City's rate would be 7.08% interest if the Prime stays where it is right now. Mr. Wolf stated that Congress is talking about a major reshuffling and proposing a clear formula for keying the permanent financing to establish municipal finance rates in existence, the key being the Bond Buyer Index which is a nationally recognized number that is published every Thursday so the citizenry can know what the norm of municipal financing is. Mr. Wolf stated that in no event would the long term rate exceed 110% of that norm.

Mr. Wolf stated that in his opinion the City would be receiving very favorable interim financing through First City Bank.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh to accept the proposal from First City Bank in principle as contained in Mr. Prince's letter of October 15, 1985, subject to the Commission working out the details of the arrangement at a special meeting at noon, Tuesday, October 22, 1985. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd to add to our special meeting on Tuesday, October 22, 1985, the consideration of funding arrangements for the new City Hall. A unanimous affirmative vote was recorded.

Jerry Hill stated that he and City Manager Westerholm had today received a letter from Texas Power & Light Co. and he wanted them to come before the Commission and explain the rates for the new City Hall and what we could obtain in a refund. Mr. Hill stated that because the building would be using thermal storage there would be a rebate of \$63,000. Mr. Hill stated that if the City uses another type of heating/cooling system with a different rate, it would be a year before the rebate could be obtained. Mayor Garrison stated that he preferred that Mr. Hill negotiate with TP&L and present the results to the Commission.

15. TEXAS HIGHWAY DEPARTMENT - NEW TRAFFIC SIGNALS - US 59 AT LOOP 287

Mayor Garrison stated that the Highway Department was proposing to rebuild the traffic signals at Loop 287 and Highway 59 and they would pay all costs if the City would agree to police and maintain the intersection.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that the Commission accept the proposal from the Highway Department for the traffic signals at US 59 and Loop 287 as presented. A unanimous affirmative vote was recorded.

16. POLICE DEPARTMENT - PROGRESS REPORT - SECOND STREET WIDENING - REDISTRICTING VOTER REGISTRATION LINES

Commissioner Don Boyd stated that he was pleased that the City had come out of the Jerry Gene Allen lawsuit "smelling like a rose", and that he hopes the City doesn't have any more cases like this. Commissioner Boyd stated that he would like to have an update on the progress report on the Police Study.

Mayor Garrison stated that he would like to compliment City Attorney Bob Flournoy for successfully defending this case.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that he did not have a report ready on the Second

Street parking situation in front of the jail. City Manager Westerholm stated that at this time it was known that the street could be widened.

Commissioner Simond stated that he had noticed in the newspaper several weeks ago that City Manager Westerholm and Ann Griffin had gone to the County and asked for redistricting of the voting lines and the County stated that since the City was making the request they should be the ones to handle it. City Manager Westerholm stated that the City had proposed equalizing the number of people in each single member district and asked the Commission to authorize Ann Griffin to be the representative working with the County to change the lines. Commissioner Simond stated that it was his understanding that that discussion was about centralized voting between the City, County and School Districts and was not about equalizing the number of people in the districts but about voting at one place.

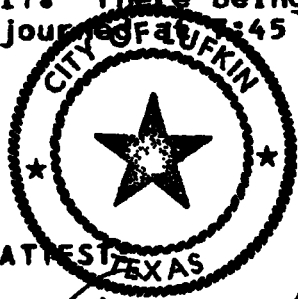
Mayor Garrison stated that in his opinion we were under obligation from time to time to equalize the population in the respective precincts. City Manager Westerholm stated that if the City changes their voting lines the County has to change their election lines in conformance with ours.

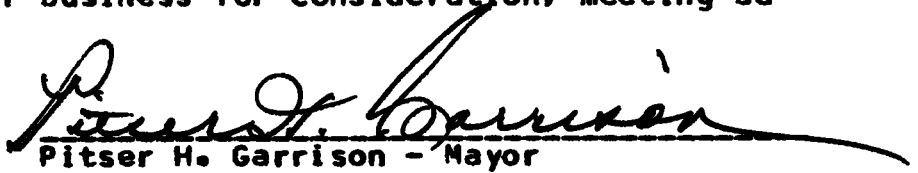
Mayor Garrison stated that there is not a more difficult problem confronting any municipality or county than changing the precinct lines to get the balance of population to be within 10% tolerance.

City Manager Westerholm stated that it was his intention to drop the matter since the County is not anxious to participate. Commissioner Simond stated that in talking with the County they had informed him that the Federal Court had drawn the lines and the Federal Court would change them.

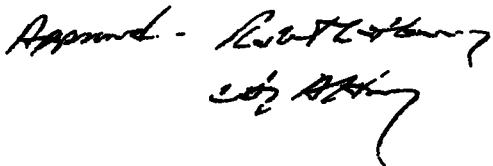
City Attorney Bob Flournoy stated that he would like to brag on the Lufkin Police Department and notice needs to be taken that a real scrutiny was made of our Police Department and while there are changes that could be made, basically our whole City came out looking real good.

17. There being no further business for consideration, meeting adjourned at 8:45 p.m.




Pitser H. Garrison - Mayor


Atha Stokes - City Secretary


Approved - Robert L. Herring
City Clerk