

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF DECEMBER, 1982, AT 7:30 P.M.

On the 7th day of December, 1982, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Brian Boudreaux	Assistant City Manager
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary

being present, when the following business was transacted.

1. Meeting opened with prayer by Rev. James Anderton, Pastor of First Congregational Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of November 16, 1982, were approved on a motion by Commissioner Richard Thompson and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. Ordinance Designating Reinvestment Zone - Approved - Second Reading - John Ross Kay

Mayor Garrison stated ordinance designating John Ross Kay's property as a reinvestment zone had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that ordinance designating the south one-half of Lot 13, Block 9 of the Original Town of Lufkin as a reinvestment zone be approved as presented on second and final reading. A unanimous affirmative vote was recorded.

5. Ordinance - Approved - Second Reading - Alley Closing - First Baptist Church

Mayor Garrison stated that alley closing request by First Baptist Church covering alley located between the streets of Bremond and Groesbeck, and First and Third had been approved on first reading at last meeting of City Commission and there was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that ordinance for alley closing be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

6. Zone Change Application - Approved - Second Reading - Phillip Morris - Local Business to Commercial

Mayor Garrison stated that zone change application by Phillip Morris covering property located between Lufkin Avenue and Ford Chapel Road from Local Business to Commercial had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that zone change application be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - Second Reading - Mile Post Inn's - Apartment to Commercial

Mayor Garrison stated that zone change application by Mile Post Inn's covering property located on the corner of Church and Myrna Streets from Apartment to Commercial had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that zone change application be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. Police Management Study - Proposal Approved - Arthur Young & Co.

Mayor Garrison stated that proposals had been invited for a management study of the Police Department with submissions being received from Arthur Young & Company and Pete, Marwick & Mitchell. Mayor Garrison further stated that both proposals had been discussed at last meeting of City Commission when it was decided to obtain information regarding past performance of both management consultants in other cities. Mayor Garrison stated that a survey of cities had been completed, and the proposals were now before the City Commission for consideration.

City Manager Harvey Westerholm stated that Arthur Young & Co. had proposed to complete the management study for a fee of \$21,500.00, and Pete, Marwick & Mitchell had proposed a fee of \$18,000.00.

Commissioner Richard Thompson stated that he had recently learned that the Texas Commission on Law Enforcement was also available to conduct similar studies. Commissioner E.C. Wareing stated that he would be concerned about the amount of indepth study in the management area by Texas Commission on Law Enforcement.

Mayor Garrison stated that he would prefer to have the study performed by a firm outside of direct police work because the public would accept the study more readily from an independent firm.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that the proposal of Arthur Young & Company in the amount of \$21,500.00 be accepted, that the City Staff is authorized to proceed with the study, and that the budget be amended to provide funds for the study from the unappropriated contingency fund. A unanimous affirmative vote was recorded.

9. Water Pollution Control Plant - Plans & Specifications for Improvements and Modifications - Griffith & Associates

Mayor Garrison stated that the City Commission had been concerned about complaints being received from the Water Quality Control Board in regard to present Water Pollution Control Plant and several members of the Commission and City Staff flew to Austin for a discussion in this regard. Mayor Garrison further stated that the Water Quality Control Board listened as the City of Lufkin presented its case and admitted that plans for the present sewer plant were approved by them, but the City had no recourse but to continue with plans for construction of modifications to the City's plant.

Commissioner Pat Foley stated that because of the magnitude of the project, he would have preferred to receive proposals from more than one engineering firm. Commissioner Pat Foley further stated that the contract should contain a time limitation on the engineering services to insure the deadline for 75% EPA grant is met, that time to consider proposals would be advantageous to avoid rushing the project, and an alternate plan should be developed if grant funding is not available. Commissioner Foley stated that the City Attorney should be assured that the Engineers have some type of liability in the proposal. Commissioner Richard Thompson stated that a time limit of 200 days was in the proposal submitted by Griffith Engineers, and his only question on the contract was the inspection phase. Commissioner Thompson further stated that he did not understand whether the inspections would be conducted by the City of Lufkin or payment would be made on a per diem rate to Griffith Engineers for same.

Jimmy Griffith, Griffith Engineers was present and stated that

the contract as presented was for the second phase of work on the new sewer plant, and the inspections were not listed because they would be included in phase three (3) as he was under the impression that the City Commission only wanted to consider the next step at this time. Mr. Griffith further stated that this proposal only carried the project to the bidding process. In response to question by Commissioner Pat Foley, Mr. Griffith stated that the deadline for specifications on phase two (2) is June 15th, 1983, and the 200 day time limit in the contract would extend through June 25, 1983. Commissioner Foley inquired about time for review of material being submitted, and Mr. Griffith stated that the City would review same during the 200 day time limit. Commissioner Foley stated that in previous phases of the project the City Commission was only given a week to review and approve. Mr. Griffith stated that the schedule on this phase would allow plenty of time for review. Commissioner Pat Foley stated that the Officials in Austin indicated that there was new legislation which placed additional liability on engineers that planned these type of projects, and questioned if this would be covered in the contract. Mr. Griffith stated that phase three (3) includes an obligation on the part of the engineers to be available for a year to insure their presence and that the plant is operating properly. Commissioner Foley asked in the event the City of Lufkin encountered similar problems on the new plant would Griffith Engineers limit their time to the one (1) year limit. Mr. Griffith stated that he would not be limited to the one (1) year, and the plant would be operating properly when his firm completed their work if it takes two (2) years or whatever. Commissioner Foley asked if Mr. Griffith had any plans for alternate proposals in the event grant funding is not available. Mr. Griffith stated that he was not aware of any changes that could be made in the project to reduce costs. Commissioner Foley stated that he was concerned about completing phase two (2) at a cost of \$299,000 and not receiving the grant. Commissioner Foley asked if it would be necessary to compile a complete new set of plans. Mr. Griffith stated that the plans would be amended, and if the 75% grant was not received, the 55% grant would surely be received which would mean additional money on the part of the City and lead to a phased construction by prioritizing work resulting in the project being extended.

Commissioner Percy Simond stated that he understood the City should take proposals from several engineering firms.

City Manager Westerholm stated that because of the June deadline, for completion of plans and specifications, the City of Lufkin did not have time to request proposals from other engineering firms. City Manager Westerholm further stated that if the grant is received, 75% of all monies spent will be reimbursed to the City.

Jimmy Griffith stated that an estimate of the engineering cost for all phases would be \$700,000.00. Jimmy Griffith further stated that in his research regarding engineering liability on contracts of this kind, he had discovered that there is an errors and omission insurance which would give the City of Lufkin the right to sue if the engineering firm did not perform as contracted.

Commissioner Richard Thompson stated that the fee schedule submitted by Griffith Engineers is the same schedule they have used over the past years.

Mayor Garrison stated that he was concerned that after completion of the plant, EPA requirements are lacking. Mayor Garrison further stated that he did not believe that any plants were in compliance at all times, and there are 28 cities in the State of Texas under the same type of command to construct new water pollution control plants. Mayor Garrison stated that the City should proceed immediately to increase chances of receiving the 75% grant. Mayor Garrison stated that a bond election would be held for additional funds and that Step II information is to be completed within the next seven (7) months.

City Manager Westerholm stated that \$200,000.00 of the Revenue Sharing Budget had been designated to pay toward the Step II engineering costs for preparing plans and specifications for the improvements to the new sewer plant.

Mayor Garrison stated that at last meeting of City Commission, Griffith Engineers were authorized to begin work on Step II, and the City Commission should decide if this engineering firm is to proceed with completion of Step II.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that contract with Griffith Engineers be approved as presented and authorization be granted to continue with Step II of the project. A unanimous affirmative vote was recorded.

In response to question by Commissioner Percy Simond, Mayor Garrison stated that if the bond issue was not approved by the citizens of Lufkin, construction would have to cease on the new facility.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Richard Thompson that City officials be authorized to execute the necessary agreements with Griffith Engineers. A unanimous affirmative vote was recorded.

10. Annexation & Permanent Zoning - Approved - First Reading - Sabine Investment - Crown Colony Subdivision, Section VI-A - A, SU (Townhouses)

Mayor Garrison stated that Sabine Investments had requested the Annexation of 3.2 acres in the Crown Colony Subdivision to be zoned Apartment, Special Use (Townhouses), and open hearing was held at the last City Commission meeting. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that annexation ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that zoning ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

11. Zone Change Application - Approved - First Reading - C.G. Berry - RL to C, SU (Item 26 F-50 foot Setback)

Mayor Garrison stated that zone change application by Mrs. C.G. Berry covering property located at 803 N. John Redditt Drive from Residential Large to Commercial had been recommended by the Planning and Zoning Commission for approval by the City Commission with the addition of Item 26F-50 foot setback. Mayor Garrison recognized Mr. Bill Roach appearing in representation of zone change application.

Mr. Roach stated that he desired the zone be changed to Commercial for expansion of his present carwash, and that he had decided he could live with the 50 foot setback recommendation of the Thoroughfare Development Policy as recommended by the Planning and Zoning Commission. There was no opposition present.

City Attorney Bob Flournoy stated that the addition of the special use designation, Item 26F-50 foot setback, was necessary to allow enforcement of the Thoroughfare Development Policy as previously adopted by the City Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that zone change application be approved on first reading with addition of special use designation; i.e. C, SU (Item 26F-50 foot setback). A unanimous affirmative vote was recorded.

12. Zone Change Application - Denied - Larelco Inc. - RL to LB

Mayor Garrison stated that zone change application by Larelco Inc. covering property located at Loop 287 and Crooked Creek Drive from Residential Large to Local Business had been recommended to City Commission by the Planning & Zoning Commission. Mayor Garrison further stated that he was recusing himself from vote or discussion on this matter because he was a stockholder in the Land-O-Pines

operation, which also owns Larelco.

Mayor pro tem E.C. Wareing was asked by Mayor Garrison to conduct discussion and vote on the zone change application. Mayor pro tem Wareing stated that this particular tract of land had a history dating back to April 13, 1972, at which time it was considered for a zone change and was owned by Home Savings and Loan. Mayor pro tem Wareing stated that plans for a shopping center in this area were indicated by Home Savings and Loan and a zone change was granted with a 110 foot setback along the loop to provide parking. Mayor pro tem Wareing stated that since that zone change approval, the property has changed hands, and the plans for a shopping center have not materialized. Mayor pro tem Wareing stated that the present zone change request is for the front 110 feet because the proposed convenience store could be built under present zoning of the rear portion of the property. Mayor pro tem Wareing recognized Bill Ricks, local attorney, in representation of zone change application.

Mr. Ricks stated that his client was requesting the zone change to allow construction of a convenience store 100 feet from the property line with a 45 foot entrance opening from the loop, and installation of gas pumps with an exit onto Crooked Creek. Mr. Ricks stated that gas pumps presently installed on the Kwik Chek property are 14.26 feet from the property line with the canopy extending within two (2) feet from the property line. Mr. Ricks stated that if Larelco was to be competitive, the pumps should be placed in close proximity to existing pumps at Kwik Chek. Mr. Ricks stated that in his conversation with City Planner Ed Richie, he understood the 50 foot setback was designed to provide 20 feet of parking, 10 feet of turning radius, and 20 feet of vacant space to the pavement edge. Mr. Ricks stated that the 50 foot setback was not necessary where gas pumps are located, and his client would like to locate their gas pumps 50 feet from the pavement edge or 30 feet from the property line. Mr. Ricks stated that the question of safety had been discussed regarding the gas pumps, and a letter stating all the safety standards devised by the State Legislature had been submitted. Mr. Ricks further stated that the gasoline storage tanks would be located well away from the traffic. Mr. Ricks further stated that the property had remained idle for the past two (2) years because of the restrictions placed upon it and this resulted in a loss of revenue to the City of Lufkin. Mr. Ricks stated that construction of the convenience store would provide a competitive situation with the existing Kwik Chek, which would result in greater buying power by the residents. Mr. Ricks stated that opponents to the zone change stated that construction of the convenience store would cause a high traffic area, but apartments were permissible under the present zoning which would cause even more traffic. Mr. Ricks stated that the facility would not cater to diesel trucks, but the residents of the area object to any services within their area.

Mayor pro tem Wareing stated that the property has been unkempt since Larelco purchased it, and better maintenance should have been provided while the property was vacant. Mayor pro tem Wareing stated that the loop was constructed to move traffic, and when citizens purchase property along major thoroughfares with the idea of obtaining a zone change and making a profit from a future sale. Mayor pro tem Wareing further stated that zoning is a real problem because everyone cannot be allowed to use their property as they see fit.

Commissioner Bob McCurry stated that the food store could be constructed under present zoning and the problem before the City Commission is setback requirements in regard to construction of gas pumps.

The following persons spoke in opposition to zone change application: Richard Pulaski, Evelyn Pulaski, John Davidson, Frances Davidson, Marge Beckham, Steve Kendrick, B.D. Thompson, Boyo Hopper, Ron Billings, and Jane Richards. The following points of opposition were voiced:

- a. Traffic congestion on Crooked Creek Drive.
- b. Additional difficulty of access to Loop 287.
- c. Increased noise in the area due to 24 hour operation of

- store.
- d. Heavy truck traffic because of low prices for gasoline.
- e. Deterioration of residential nature of neighborhood.
- f. Devaluation of residential property.
- g. Possible school crossing in area with completion of St. Cyprian's School.
- h. Pornographic magazines available to children in area from newsrack.
- i. Duplication of services presently in area.

Commissioner Percy Simond stated that he was concerned about the Loop excluding businesses, and in the past, zone changes had been refused due to opposition by citizens in the area.

Commissioner Bob McCurry stated that the Thoroughfare Development Policy should be considered for adoption as an ordinance which would provide better guidelines for construction along the Loop.

Commissioner Richard Thompson stated that when the Thoroughfare Development Policy was approved, it is possible that the City Commission should have provided more guidelines for new construction.

Mayor pro tem Wareing stated that the Thoroughfare Development Policy was adopted in an attempt to be consistent while still considering the merits of each zone change application.

Commissioner Bob McCurry stated that the real problem for consideration is the matter of the 50 foot setback because the convenience store could be constructed under the present zone and gas pumps installed on Crooked Creek.

Bill Ricks stated that his client did not want the zone change with the 50 foot setback which would prevent the store from being competitive.

City Attorney Bob Flournoy stated that the Planning and Zoning Commission had recommended approval of the zone change application by Larelco with the provisions that the gasoline pumps would be installed 50 feet from the property line. City Attorney further stated that if the City Commission wished to make a motion different from that recommended by the Planning and Zoning Commission, six (6) affirmative votes would be necessary for approval.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that zone change application be approved on first reading with a 30 foot setback of gasoline pumps from the property line to the outer edge of the gas pump island. The following vote was recorded: Aye: Commissioners Simond, Boyd, McCurry, Foley. Nay: Commissioners Thompson and Wareing. Mayor pro tem Wareing declared motion denied by a vote of four (4) to two (2) due to requirement for six (6) affirmative votes. Mayor Garrison recused from vote.

Commissioner Percy Simond stated that he did not understand the requirement for six (6) affirmative votes to override a decision of the Planning and Zoning Commission.

Mayor pro tem Wareing stated that the Planning and Zoning Commission members invest much time and study in their recommendations, and the City Commission should have a good reason for overriding a recommendation.

13. Site Location Area - Approved - Federal Post Office

Mayor Garrison stated that it had been requested that the City Commission again review the suggested area for construction of the new Federal Post Office and to express a recommendation or concurrence of the area.

City Manager Harvey Westerholm stated that he had met with representatives of the post office, and understood that everything from First Street in the area as outlined included property on both sides of the street, and that approximately five (5) acres were needed for construction on the new building.

Mayor Garrison stated that in his opinion, the Post Office should be located in the central business district. Commissioner Pat

Foley stated that easy access would be needed to provide for efficient use of the building.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that concurrence be expressed with area selected as outlined on map. A unanimous affirmative vote was recorded.

14. Addition to Civil Service Rules - Approved - Scoring of Police Entry Level Tests

Mayor Garrison stated that the Civil Service Commission has suggested additions to Section 61,68 and 69 of personnel rules for Civil Service Employees. Mayor Garrison stated that a new test was being used for the entry level police test which was a weighted test and required different scoring procedures. There were no objections to recommendations of Civil Service Commission.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that changes in personnel rules for Civil Service Employees be approved on recommendation of Civil Service Board. A unanimous affirmative vote was recorded.

15. Electrical License Reciprocal Agreement - Approved - First Reading

Mayor Garrison stated that the Lufkin Electrical Board was recommending a reciprocal license agreement with other Texas cities whose ordinances are compatible with the City of Lufkin. Mayor Garrison further stated that this agreement would allow electricians from other cities to obtain their license for the City of Lufkin on the basis of the test taken in another city, and provide the same service in return to our electricians as they go to other cities. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that agreement be approved on first reading as presented. A unanimous affirmative vote was recorded.

16. Bid - Approved - Jones Park Lighting - Pineywoods Electric

Mayor Garrison stated that bids had been received for the lighting project in Jones Park and Parks and Recreation Director, Don Hannabas, was recommending approval of low bid of Pineywoods Electric Company in the amount of \$3,100.00.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that low bid of Pineywoods Electric be approved as presented. A unanimous affirmative vote was recorded.

17. Fire Hydrants - Approved - Thousand Oaks Addition

Mayor Garrison stated that a request had been received from residents of Thousand Oaks Addition for the installation of four (4) fire hydrants in their area with the provision that property owners would pay for the service over the next year at the rate of \$5.00 a month.

City Manager Harvey Westerholm stated that the cost to the City would be \$440.00 with residents paying the remainder of the \$5,306.60 cost of installation.

Commissioner E.C. Wareing stated that because Thousand Oaks Addition was outside the City, projects within the City should be completed before beginning this project.

Public Works Director, Ron Wesch, stated that four (4) hydrants could be installed in a three (3) day period.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that fire hydrants be installed in Thousand Oaks Addition and residents be allowed to pay their cost monthly over the next year. The following vote was recorded:
Aye: Mayor Garrison, Commissioners Simond, Boyd, McCurry, Thompson, Foley. Nay: Commissioner Wareing. Mayor Garrison declared motion approved by a vote of six (6) to one (1).

18. Street Extension - Returned to Planning and Zoning Commission - South Ridge Subdivision

Mayor Garrison stated that the owners of South Ridge Subdivision are requesting the City accept the dedication of an extension of Bending Oak Street to provide access to property purchased by the Mormon Church.

After discussion regarding the reason for consideration of street dedication by the City Commission, motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that South Ridge Subdivision request be referred to Planning and Zoning Commission. A unanimous affirmative vote was recorded.

19. Deferred Compensation Program - Approved

Mayor Garrison stated that a law enacted in 1975 allows governmental employees to participate in the IRS Deferred Compensation Program, and the City Staff has studied several proposals and respectively request that the City participate in the International City Manager Association Retirement Corporation Program. Mayor Garrison further stated that authorization is needed for City Employees to participate.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that deferred compensation program be approved as authorized by law. A unanimous affirmative vote was recorded.

20. Budget Amendment - Approved - Tourist-Convention Development

Mayor Garrison stated that during budget preparation \$5,000.00 from the general fund operation to the Lufkin Convention Bureau had been omitted. Mayor Garrison further stated that the City was made aware of the omission when the Lufkin Convention Bureau requested payment, and authorization of the City Commission is needed to amend the budget for payment of this item.

City Manager Westerholm stated that the \$5,000.00 would be provided from the Civic Center Fund.

Jerry Huffman, Chamber Director, stated that this is a matching fund with the Chamber providing \$5,000.00 and the City of Lufkin providing \$5,000.00. Mr. Huffman further stated that this allocation would not be needed in the future, but because the amount was budgeted for this year, payment was needed. Mr. Huffman stated that the money was originally for Tourist Development which is now covered by another fund.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Richard Thompson that the Civic Center Budget be amended to provide \$5,000.00 to the Lufkin Convention Bureau. A unanimous affirmative vote was recorded.

21. Recess - Industrial Development Authority Meeting - Reconvened - City Commission Meeting

Mayor Garrison stated that it was necessary to recess City Commission meeting and conduct a meeting of the Industrial Development Authority to consider the issuance of bonds for the Federal Building Project by R.H. Duncan. City Commission meeting was recessed at 10:20 p.m. and reconvened at 10:30 p.m.

22. Resolution - Approved - Issuance of Bonds - Industrial Development Authority - Federal Building - R.H. Duncan

Mayor Garrison stated that it was necessary for the City Commission to approve resolution authorizing issuance of bonds by the Industrial Development Authority for construction of the Federal Building by R.H. Duncan and declaring that the project would provide significant contributions to the redevelopment of the designated blighted area.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that resolution as proposed by Industrial Development Authority be approved. A unanimous

affirmative vote was recorded.

23. Resolution - Approved - RepublicBank

Mayor Garrison stated that according to resolution received by City Commission, it was necessary that RepublicBank project be declared appropriate to significantly contribute to the redevelopment of the designated blighted area.

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

24. Mud Creek Reservoir Project - Approved - Allocation of Funds

Mayor Garrison stated that he had suggested that the City of Lufkin participate in the Mud Creek Reservoir Project at a previous date because it would be of great benefit to the water needs of the area. Mayor Garrison further stated that the project has been submitted to the Chamber of Commerce and a committee recommended that the Chamber participate in the project in the amount of \$7,500.00. Mayor Garrison further stated that the amount committed to the project would be refunded out of the initial bond issue. Mayor Garrison stated that the City of Lufkin has no immediate need for the water to be purchased through the project due to participation in the Sam Rayburn Reservoir. Mayor Garrison further stated the cost would be exorbitant to bring water from Sam Rayburn for use in the City.

Commissioner E.C. Wareing stated that he would be in favor of the City of Lufkin becoming part of the Mud Creek Project, and a profit might be made by selling our water rights in Sam Rayburn.

Kenzy Hallmark, President Angelina County Chamber of Commerce, stated that the program would be submitted to the County next week for their participation.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner E.C. Wareing that the City of Lufkin participate in the Mud Creek Project and that the budget be amended to provide money from the contingency fund in the amount of \$7,500.00. A unanimous affirmative vote was recorded.

25. Sewer Plant - Loop Thoroughfare Policy - Police Department Vacancies

Commissioner Pat Foley requested information about possible litigation against engineers regarding construction and plans on the present sewer plant. Commissioner Foley requested suggestions from the City Attorney regarding the possibility.

Commissioner Richard Thompson stated that he would like to have the Loop Thoroughfare Policy developed into an ordinance that would regulate future zone changes along major thoroughfares.

Commissioner Percy Simond stated that in the future, all projects should receive proposals from more than one engineering firm. City Manager Westerholm stated that it was an accepted practice, but Griffith Engineers began work on the Water Pollution Control Plant Phase I, and time was not available to consider new proposals from other engineers in order to be considered for the EPA Grant.

Commissioner Don Boyd requested information on the number of vacancies presently in the Police Department. City Manager Westerholm stated that of the five (5) new officers approved for the new budget year, four (4) individuals were now being considered for psychological testing.

26. There being no further business for consideration, meeting adjourned at 10:50 p.m.

E.C. Wareing
E. C. Wareing, Mayor pro tem



Ann Griffin, City Secretary