MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF OCTOBER, 1984, AT 5:00 P.M.

On the 16th day of October, 1984, 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
Jack Gorden, Jr.	Commissioner, Ward No. 5
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Lori Ann Nix	Assistant City Secretary
Nicholas Finan	City Planner
Ron Wesch	Public Works Director

being present, and

Pat Foley	Commissioner, Ward No. 4
Louis Bronaugh	Commissioner, Ward No. 6

being absent when the following business was transacted.

1. Meeting opened with prayer by Reverend Kenneth Goodell, Minister of St. Paul's Methodist Church, Lufkin.

2. Mayor Garrison recognized members of Mrs. Ellen Platt's Economics Class from Angelina College Junior College and stated that he appreciated the fact that women were developing an interest in economics.

3. APPROVAL OF MINUTES

Minutes of the regular meeting of October 2, 1984, were approved on a motion by Commissioner Percy Simond and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION AND PERMANENT ZONING - HARMONY HILL BAPTIST CHURCH - RL

Mayor Garrison stated that a public hearing to consider annexation and permanent zoning request by Harmony Hill Baptist Church covering property located North of Rice Drive and West of FM 58 directly behind and adjoining Harmony Hill Baptist Church Property to be zoned Residential Large was next on the Agenda.

Mayor Garrison officially opened public hearing and recognized Reverend John Green, Pastor of Harmony Hill Baptist Church. Reverend Green stated that his Church had purchased the land in 1980 and 1981 and developed a master plan for additional facilities. Reverend Green stated that because of the type buildings the Church was considering for construction, the congregation felt it would be to the best advantage of the Church to have their property annexed into the City limits. Reverend Green stated that Gary Bridges, with the Church Building Committee, was present with a copy of the plans of the proposed building if the City Commission would care to review them.

Mayor Garrison stated that several small property owners had requested to be included in the annexation. City Manager Westerholm stated that the inclusion of the small property owners was to prevent their property from becoming landlocked and that a sewer easement would be required across Dr. Denman's property.

Mayor Garrison closed public hearing due to lack of discussion. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that first reading of Annexation and Permanent Zoning Ordinance be considered at next meeting of this Commission. A unanimous affirmative vote was recorded.

5. ORDINANCE - SECOND READING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - OLIVER PLUMBING, INCORPORATED

Mayor Garrison stated that the Ordinance designating a Reinvestment Zone for Tax Abatement Program as requested by Oliver Plumbing, Incorporated, covering property at Lot 7 and 8 of Block 3, of the Clark Addition (1314 and 1316 North Raguet) had been approved on first reading at last meeting of this Commission. Mayor Garrison stated that at last meeting there was a question of whether the abatement period should be extended to 15 years and each of the three Reinvestment Zone requests were approved for a 15 year period with the provision that the time period would be reconsidered at the second reading.

Commissioner Percy Simond stated that he was under the impression that the three (3) Reinvestment Zones being considered at tonight's meeting would be for the 15 year period and then a policy would be established for future requests. Mayor Garrison stated that City Commission might desire to reconsider previous Reinvestment Zones in regard to the time period.

In response to question by Commissioner Lynn Malone, City Attorney Flournoy stated that the City Commission had the prerogative to treat each Reinvestment Zone in a different manner and it was permissable to change policy on Reinvestment Zones from time to time.

Commission Malone stated that he felt the 10 year period would benefit the City and the applicants.

Mayor Garrison stated that renovations of existing buildings encourage other property owners in the area to improve the appearance of their buildings, but he was reluctant to prevent the School District from obtaining tax on the renovations for a 15 year period. Mayor Garrison stated that he would be willing to approve the three (3) Reinvestment Zones at this meeting for a 15 year period and reconsider the time period when there is a full Commission present.

Commissioner Lynn Malone stated that he understood future Reinvestment Zones were going to be established on a prorata basis.

City Attorney Flournoy stated that the Tax Abatement Agreement is set up on a scale that allows less abatement for more money spent. City Attorney Flournoy stated that taxes on the evaluation of the property presently on the tax rolls would remain frozen for the time period of the Tax Abatement. Mayor Garrison stated that the Commission might consider allowing the tax to be frozen based on the purchase price of the property. City Attorney Flournoy stated that the land value can continue to increase because the abatement is on the improvements.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Oliver Plumbing, Incorporated, be approved as a Reinvestment Zone for the Tax Abatement Program for a 15 year period with the provision that future applications might be varied from this procedure. A unanimous affirmative vote was recorded.

6. ORDINANCE - SECOND READING - APPROVED - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - EAST TEXAS ENGINEERING AND SURVEYING, INCORPORATED

Mayor Garrison stated that Ordinance designating Reinvestment Zone for Tax Abatement Program as requested by East Texas Engineering and Surveying, Incorporated, covering property located at Lot 10, Block 10, of the Original Town of Lufkin (118 and 120 East Lufkin Avenue) had been approved on first reading at last meeting of this Commission.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Ordinance be approved for a Reinvestment Zone for East Texas Engineering and Surveying, Incorporated, on second and final reading for a period of 15 years tax abatement with the provision that future applications might be varied from this procedure. A unanimous affirmative vote was recorded.

Carol Moore, Mainstreet Program Coordinator, stated her appreciation for the support of the Mainstreet Program by the City Commission and presented a drawing of the proposed facade of the East Texas Engineering Building.

7. ORDINANCE - APPROVED - SECOND READING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - BILL WINDSOR

Mayor Garrison stated that Ordinance designating Reinvestment Zone for Tax Abatement Program as requested by Bill Windsor covering Lots 1, 2, and 3, Block 106 of the Original Town of Lufkin (corner of Angelina, Laurel, and First Streets) had been approved on first reading at last meeting of this Commission.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Reinvestment Zone be approved on second and final reading for a period of 15 years tax abatement with the provision that future applications might be varied from this procedure. A unanimous affirmative vote was recorded.

8. DRAINAGE PROBLEM - BONTON ADDITION - TABLED

Mayor Garrison stated that at last meeting of City Commission the drainage problem in the Bonton Addition had been tabled to allow City Manager Westerholm to contact Ed Wagoner regarding the possible assessment of his charges for the completion of the storm sewer.

City Manager Westerholm stated that he had met with Mr. Wagoner who still feels he is being treated unfairly.

City Attorney Robert Flournoy stated that Mr. Wagoner had delivered a letter to his office stating that he felt the charge for his property should be based on the same rate as the south side of the creek which is $7.37 per linear foot instead of the $14.73 charge for the north side.

City Manager Westerholm stated that the creek is on the Tanglewood Property but does present a clear and imminent problem to property in the Bonton Addition. City Manager Westerholm stated that during the last several years the creek has eroded more of the property toward the Bonton side.

Mayor Garrison stated that he did not understand why ownership of the ditch should have any bearing on the cost to the property owners. City Attorney Flournoy stated that the people in the Bonton Addition have property that does not reach the ditch and the property owners in the Tanglewood Addition have property on both sides of the ditch. City Attorney Flournoy further stated that the City of Lufkin is obligated by contract to improve the condition of Mrs. Clark's property.

City Manager Westerholm stated that Mr. Schwartz, who owns property adjacent to Mr. Wagoner, had agreed to pay his full share of the cost.

City Attorney Flournoy stated that without an agreement or condemnation of Mr. Wagoner's property, the City of Lufkin could not enter and perform any work. City Attorney Flournoy stated that Mr. Wagoner had agreed to pay $1,100 which is half of the assessed amount and give the City the right to do the work which would require the City to the assess his property for the remainder of the cost.

Commissioner Percy Simond stated that he would like to have this problem reconciled and go forward with improving the ditch to prevent further damage to property. Mayor Garrison stated that it would be a service to the City if Mr. Wagoner's offer of half the assessed cost were approved so that the City could go forward with resolving Mrs. Clark's problem.

Commissioner Lynn Malone stated that it would not be fair to the other property owners in the area to allow Mr. Wagoner to pay half of his assessed cost.

City Manager Westerholm stated that he had talked to Mr. Wagoner about a lien being assessed on his property and he had requested information on when he will be billed and how much interest would accrue on the lien.

Public Works Director Ron Wesch stated that Mr. Moore, property owner who lives on a fixed income, is concerned about paying his fair share. Public Works Director Ron Wesch stated that he had informed Mr. Moore that a payment plan could be developed and Mr. Moore is willing to participate in order to have the ditch repaired.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that the covered storm sewer be approved for installation with an assessment of additional charges being made on Ed Wagoner's property.

City Attorney Flournoy stated that he would need to prepare an ordinance for the assessment on Mr. Wagoner's property for City Commission approval at next meeting, but he might be able to negotiate with Mr. Wagoner without an assessment.

Mayor Garrison stated that the City Commission might request City Attorney Flournoy to draft the ordinance to create the levy against the property and talk with Mr. Wagoner about his share of the cost.

City Attorney Flournoy stated that if he were unable to work out a solution with Mr. Wagoner the ordinance would be ready for next meeting of this Commission.

Commissioner Don Boyd stated that he would withdraw his motion. Commissioner Lynn Malone agreed.

It was a concensus of opinion of the City Commission that this item be tabled until next meeting of the City Commission.

9. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - ROBERT E. ADAMS - RL TO RL AND LB, SU (GREENHOUSE AND NURSERY)

Mayor Garrison stated that zone change request by Robert E. Adams at 129 West Kerr Street between South First Street and South Raguet from Residential Large to Residential Large and Local Business, Special Use (Greenhouse and Nursery) 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 Jack Gorden that Ordinance be approved on second and final reading with the stipulations approved on first reading. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - ROBERT L. MCCLELLAN - A TO A, SU (SALES OFFICE-LOG HOME DEALERSHIP)

Mayor Garrison stated that zone change request by Verne L. McClellan covering property located on Old Union Road between Trailwood Boulevard and Loop 287 West from Apartment to Apartment, Special Use (Sales Office-Log Home Dealership) 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 Jack Gorden that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

11. ZONE CHANGE - APPROVED - FIRST READING - ANGELINA SAVINGS AND LOAN ASSOCIATION - RL TO LB, SU (OFFICE BUILDING)

Mayor Garrison stated that zone change request by Angelina Savings and Loan Association covering property located at the northeast corner of Tulane Drive and South Medford Drive from Residential Large to Local Business, Special Use (Office Building) had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that zone change request be approved on first reading as presented. A unanimous affirmative vote was recorded.

12A. BID - APPROVED - GARBAGE CONTAINERS - SANITATION DEPARTMENT - SCOTT AND HILL STEEL CORPORATION

Mayor Garrison stated that bids had been received for the purchase of garbage containers to be used in the Sanitation Department and requested City Manager Westerholm to give Staff recommendations.

City Manager Westerholm stated that the low bid was that of Scott and Hill Steel Corporation of Bartlesville, Oklahoma, in the amount of $14,145 which is below the budgeted amount of $16,000.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Scott and Hill Steel Corporation bid be approved as the lowest and best bid. A unanimous affirmative vote was recorded.

12B. BID - APPROVED - CITY MANAGER'S CAR - MORROW BUICK PONTIAC, INCORPORATED

Mayor Garrison stated that bids had been received for the purchase of the City Manager's car and requested that City Manager Westerholm provide Staff recommendations.

City Manager Westerholm stated that the low bid was that of Morrow Buick Pontiac, Incorporated, which was $10,396 for 1984 model and $10,397 for 1985 model.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that the low bid of Morrow Buick Pontiac, Incorporated, for the 1985 model car in the amount of $10,397 be approved as lowest and best bid. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that $12,000 had been budgeted for this purchase.

12C. BID - APPROVED - FIRE HYDRANTS, PIPE, AND MATERIALS FOR HERTY WATER PROJECT - BIG STATE UTILITY

Mayor Garrison stated that bids had been received for the purchase of fire hydrants, pipe, and materials for the Herty Water Project and requested City Manager Westerholm provide Staff recommendations.

City Manager Westerholm stated that the low bid was $33,775.11 from Big State Utility and that $40,000 had been budgeted for this purchase.

Motion was made by Commissioner Lynn Malone and seconded by Commissioner Percy Simond that the bid of Big State Utility in the amount of $33,775.11 be approved as lowest and best bid.

12D. BID - APPROVED - FOUR (4) MOBILE RADIOS - POLICE DEPARTMENT - MOTOROLA

Mayor Garrison stated that only one bid had been received for the purchase of four (4) mobile radios to be used in the Police Department and requested that City Manager Westerholm provide Staff recommendations.

City Manager Westerholm stated that Motorola was the only bidder and that their bid was in the amount of $6,792 and $7,200 had been budgeted for this item.

In response to question by Commissioner Lynn Malone, Chief Leonard Latham stated that the only other company qualified to bid on the mobile radios was General Electric and they declined to bid because there was no repair service in the City of Lufkin.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that bid of Motorola in the amount of $6,792 be approved. A unanimous affirmative vote was recorded.

13. ORDINANCE - APPROVED - FIRST READING - UPDATED SERVICE CREDIT AND INCREASE TO RETIREES - TEXAS MUNICIPAL RETIREMENT SYSTEM

Mayor Garrison stated that an ordinance had been presented for approval to keep Lufkin's Retirement System under the Texas Municipal Retirement System current to allow new retirees benefits on the basis of their most recent three (3) years of experience and to provide the present retirees an adjustment in their benefits in the amount of 70 percent of the consumer price index.

City Manager Westerholm stated that at the present time the City's rate of contribution is 5.46 percent and with approval of this ordinance, the rate will be 5.39 percent.

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.

14. STEP THREE GRANT APPLICATION - APPROVED - GRIFFITH ENGINEER - PLANT FACILTIY TO BE REVIEWED BY ANOTHER ENGINEERING FIRM

Mayor Garrison stated that at the September 4, 1984, meeting Griffith Engineers was authorized to prepare a Step Three Application for funding of improvements to the Water Pollution Control Plant. Mayor Garrison stated that the application has been completed and needs final approval and signature by the Mayor for submission to the Texas Department of Water Resources. Mayor Garrison stated that he had reviewed the grant application, especially the obligations that the engineer assumes and did not see any guarantees to the City of Lufkin that the Plant will comply with the permit limitations when it is completed. Mayor Garrison further stated that there was nothing in the application that would give the City of Lufkin assurance that the Plant will work as predicted. Mayor Garrison further stated that he did not know how the City of Lufkin could be protected against the current problems, but the City was entitled to a Plant that would work and meet the permit regulations. Mayor Garrison suggested that the City of Lufkin might consider having the best engineering firm in the United States review the plans and report to the City Commission whether they believe the Plant will keep the City of Lufkin in compliance. Mayor Garrison stated that a second opinion might let the City Commission know that the new Plant is a step in the right direction and he would not feel comfortable until an overview is obtained and a concurrence as to the effectiveness of the Plant is obtained. Mayor Garrison stated that the City of Lufkin should hire a consultant to come to the City of Lufkin, look at the proposed plans, and offer his opinion. Mayor Garrison stated that the City of Lufkin, at present has paid $350,000 to Griffith Engineers and will pay an additional $365,000 in engineering fees with the total of the entire engineering fees being approximately $1,000,000 before the Plant is finished.

Commissioner Percy Simond stated that he agreed with the Mayor that the City of Lufkin should have some assurance of the effectiveness of the Plant. Commissioner Simond stated that a consultant could be hired but would they give an opinion or a guarantee on whether the Plant would work as predicted. Commissioner Simond stated that engineers do not disagree with each other very readily and the money might be paid for nothing.

Mayor Garrison stated that he had received a copy of the law which states that the City cannot make any contract with a registered engineer based on competitive bids submitted for services to be performed. In response to question by Commissioner Percy Simond, Mayor Garrison stated that he felt a consultant could be acquired and his review performed within two to three weeks.

City Manager Westerholm stated that there are some major engineering firms he could contact to overview the proposed plan that he felt would be objective and fair.

Commissioner Don Boyd stated that the HDR Company was supposed to be the best engineering firm in the country and their proposed sewer plant has not kept the City of Lufkin in compliance. Commissioner Boyd stated that the City would only pay more to review plans that have already been paid for and he was concerned about whether a review of another engineers plans was permitted under the law.

Commissioner Percy Simond stated that the City might contact Engineering Associations to obtain the names of good engineering firms. Mayor Garrison stated that he would rather trust City Manager Westerholm to obtain these names through the Texas Municipal League. Mayor Garrison stated that he did not want to spend the additional money on engineering plans until it had been verified that the plan was the best.

Commissioner Percy Simond stated that City Manager Westerholm might contact MIT and speak to the Head of the Engineering Department regarding a consultant.

Commissioner Jack Gorden stated that Griffith Engineers and Associates is a local engineering firm and that if any problems were encountered, the City Commission could get in touch with their office to have the problem corrected.

Jimmy Griffith stated that his firm would stand behind the plans if conditions remain the same and if there was a fault in the design it would be rectified. Mr. Griffith further stated that a problem with compliance could be with a change in the effluent coming into the Plant and that his firm had designed the new Plant to be workable for the next 20 years growth and increase in the average BOD coming into the Plant. Jimmy Griffith stated that his firm was covered under professional insurance liability and EPA requirements are that the engineering firm is not free of the job until one (1) year after construction and the Plant must be operating in compliance. Mr. Griffith further stated that if his engineering firm did not comply with these EPA requirements, his firm could be blackballed from any future work for the EPA and when his engineering stamp is placed on the plans he is stating that the plans are accurate and will keep the City of Lufkin in compliance in certain parameters. Mr. Griffith stated that he could not guarantee the Plant will work against every event and circumstances that might occur.

In response to question by Commissioner Lynn Malone, Mr. Griffith stated that the modifications that have been completed at the Water Pollution Control Plant could be used as a back-up in the dewatering of sludge and the new Plant and modifications will fit together in the long run.

City Manager Westerholm stated that the Water Pollution Control Plant has been in compliance since July 26, 1984.

Commissioner Percy Simond stated that because this is such an important decision, he would like to have a full Commission present.

City Manager Westerholm stated that the City Commission should approve the application as presented tonight, because the deadline for submitting the application is November 30, 1984, and changes could be made to the plan at a later date. City Manager Westerholm stated that the earlier the application is submitted, the quicker it will be considered for funding.

In response to question by Mayor Garrison, Mr. Griffith stated that he had no problems with an engineer reviewing the plans but there would be instances where it would be a personal preference of his firm to construct part of the Plant in a certain way. Mr. Griffith stated that he felt that his staff had done a fine job on the plans and he would not be adverse to a review which he felt could be completed within 30 days.

In response to question by Commissioner Lynn Malone, Mayor Garrison stated that if the consultant and the Griffith firm had conflicting opinions, that would be a signal to the City

Commission that a hard look should be taken at the plans.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Step Three Grant Application be approved and City Commission reserve the right for possible changes in the future.

In response to question by Commissioner Lynn Malone, Mr. Griffith stated that the Step Three Grant Application is for the actual construction process.

City Manager Westerholm stated that in the judgement from the Attorney General, the City of Lufkin has to submit a plan by February 1, 1985, with dates of proposed completion.

Commissioner Jack Gorden stated that he would like to go forward with the Mayor's suggestion for a follow-up through the Universsity System.

Mayor Garrison stated that he would like to make it a part of the motion that a second opinion be obtained of the proposed plans and action should be taken tonight on whether professional help should be obtained because of the limited time.

Commissioner Percy Simond made an amendment to the motion that City Manager Westerholm solicit names of the engineering firms that could be used as consultants. Amendment was seconded by Commissioner Jack Gorden.

Commissioner Don Boyd stated that he had intended that this be a part of his motion and amendment was withdrawn with the statement incorporated into the original motion which now reads: Motion that Step Three Grant Application be approved and that a second opinion of the proposed facilities plan be obtained. A unanimous affirmative vote was recorded.

Mayor Garrison stated that it might be necessary to call a special meeting once information is obtained about a possible consultant.

City Manager Westerholm stated that information might be available within two or three days.

15. CERTIFICATES OF OBLIGATION - ISSUED DENIED - INTERIM SEWER PLANT MODIFICATIONS - RESERVE FUND FOR WATER AND SEWER REVENUE BONDS USED

Mayor Garrison stated that on January 17, 1984, the City Commission authorized Maury Stiver to implement modifications to the Sewer Plant and bring it into compliance with an estimated cost of $300,000 including engineering costs. Mayor Garrison stated that all modifications had been paid from local funds that are in need of reimbursement and the City Commission had for consideration whether they would approve the Resolution declaring the City's intent to issue certificates of obligation to reimburse the General Fund.

City Manager Westerholm stated that the City of Lufkin has a surplus in the reserve fund of the water and sewer bonds which should be $415,000 and at the present time is over $800,000. City Manager Westerholm stated that he had talked with fiscal agents who stated that there is no reason why the City of Lufkin could not use this surplus to reimburse the other funds for expenses incurred by the modifications to the Sewer Plant. City Manager Westerholm stated that a letter had also been received from the City Depository, First City National Bank, indicating that they would make a loan to the City of Lufkin for the $300,000 if the City Commission desired to reimburse the other funds in this manner. City Manager Westerholm stated that $300,000 of the Reserve Fund for water and sewer bonds has been invested for 14 days to allow it to be available for use at the end of that time if the City Commission chose this route.

Mayor Garrison stated that the City Commissioners should be provided with a list of reserve funds and balances.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Lynn Malone that $300,000 be removed from the Water and Sewer Reserve Fund and used to reimburse the other funds for expenses on the Sewer Plant modifications. A unanimous affirmative vote was recorded.

16. FUTURE WATER NEEDS STUDY - APPROVED - KINDLE, STONE AND ASSOCIATES

Mayor Garrison stated that at last meeting of the City Commission the City Manager was authorized to negotiate a contract with Kindle, Stone and Associates for a future water needs study and requested that City Manager Westerholm provide his recommendations.

City Manager Westerholm stated that a contract had been submitted for the City Commission's approval for Kindle, Stone and Associates in which they had agreed to the conditions established by the City Commission and the $30,000 fee.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that Kindle, Stone and Associates be approved to conduct future water needs study and agreement be signed. A unanimous affirmative vote was recorded.

17. AMENDMENT - APPROVED - 1984-1985 BUDGET - ATTORNEY'S FEES - GONZALEZ CASE

Mayor Garrison stated that at last meeting of the City Commission payment of attorney's fees in the Gonzalez lawsuit had been authorized but a motion to amend the 1984-1985 Budget had not been approved.

City Manager Westerholm stated that the total amount of the attorney's fees in the Gonzalez case was $31,797.77 most of this amount had been paid in last year's budget except for $11,528.42 which should be the amendment to the present City Budget. City Manager Westerholm stated that the fee would have to be paid from the Contingency Fund.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that budget be amended to pay $11,528.42 in attorney's fees from the Contingency Fund. A unanimous affirmative vote was recorded.

18. EXECUTIVE SESSION - TABLED

Mayor Garrison stated that he had another meeting he was scheduled to attend and he would prefer to table the Executive Session until another meeting of the City Commission.

It was a concensus of opinion of the City Commission that Executive Session should be tabled until next meeting.

19. INCREASE IN LANDFILL COSTS - SALES REVENUE DOWN - CITY PICNIC - SHEPHERD CASE

Commissioner Jack Gorden stated that he understood that the fees for the Angelina County Landfill were going to be increased. City Manager Westerholm stated that at present, the cost to the City for landfill fees is $18,000 to $23,000 per month.

Commissioner Jack Gorden stated that he understood that the sales tax revenue was down for last month. City Manager Westerholm stated that the sales tax was $37,000 less than projected and it was hoped that the deficit would be absorbed in the succeeding months.

City Manager Westerholm stated that the City Hall employees were going to have a picnic Saturday, October 20, 1984, and would like to invite the City Commission to attend.

City Attorney Robert Flournoy stated that the Shepherd case had been tried and that the judge was now considering his opinion.

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

Pitser H. Garrison, Mayor

ATTEST:

Ann Griffin, City Secretary