## MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF AUGUST, 1986, AT 5:00 P.M.

On the 19th day of August, 1986, 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 Garrison | Mayor |
| Percy Simond, Jr. | Commissioner, Ward No. 1 |
| Don Boyd | Commissioner, Ward No. 2 |
| Danny Roper | Commissioner, Ward No. 3 |
| Pat Foley | Commissioner, Ward No. 4 |
| Jack Gorden | Commissioner, Ward No. 5 |
| Louis Bronaugh | Commissioner, Ward No. 6 |
| Harvey Westerholm | City Manager |
| Brian Boudreaux | Assistant City Manager |
| Ron Wesch | Public Works Director |
| Nick Finan | City Planner |
| Bob Flournoy | City Attorney |
| Atha Stokes | City Secretary |

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Dan March, Associate Pastor, First Christian Church.

2. Mayor Garrison welcomed visitors present.

### 3. APPROVAL OF MINUTES

Minutes of regular meeting of August 5, 1986 were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

### 4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - MRS. L. D. BARRETT - 915 KILN STREET - RL TO RL, SU (DAYCARE)

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Mrs. L. D. Barrett covering property located at 915 Kiln Street from Residential Large to Residential Large, Special Use (Day Care).

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

### 5. BUDGET - TENTATIVELY APPROVED - 1986-87 FISCAL YEAR

Mayor Garrison stated that the Commission now had for consideration finalization of the 1986-87 Budget.

Commissioner Pat Foley stated that because this item would probably be lengthy he would suggest that the Commission continue with the Agenda items and discuss the budget last.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that finalization of 1986-87 Budget be discussed at the end of the Agenda. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the Commission would now resume discussion of the budget.

Mayor Garrison stated that in Sewer Distribution the $100,000 for the Fuller Springs Lift Station had been omitted. City Manager Westerholm stated that included the lift station, force main and some beginning work on the distribution system.

Commissioner Foley stated that in the letters that had been sent to the Commission he had noticed a request from the Angelina Expo Center for $50,000. Commissioner Foley stated that last year there had been some discussion about making three (3) payments of $50,000 to the Expo Center and he would like to know if these payments were included in the 1986-87 budget. City Manager Westerholm stated this amount had not been included in the budget. Commissioner Foley stated that he knew the Expo Center had some commitments and, if the funds were available, he would like to see this item in the budget.

Mayor Garrison stated that requests for contributions had been received from the Probation Department ($10,000), Senior Citizens ($2,500), R.S.V.P. ($1,000), and Palmer Drug Abuse ($7,500).

Commissioner Foley stated that he would like to see the programs already in existence given priority before taking on any new commitments.

In response to question by Commissioner Foley, Mayor Garrison stated that the request of $10,000 from the Probation Department was a new request this year.

Mayor Garrison stated that a request had also been received from the Kurth Memorial Library.

Mayor Garrison stated that he would like to know where the City stands on the basis of proposed revenue if Palmer Drug Abuse, Expo Center, Senior Citizens, R.S.V.P. were added to the budget. City Manager Westerholm stated that $190,000 had been taken off of sales tax, $120,000 from the sale of real estate for a total of $310,000, but $215,865 from utility fund transfer had been added so $94,135 less had been netted from general fund revenues. City Manager Westerholm stated that $109,804 had been added as new expenses to the general fund. City Manager Westerholm stated that the general fund had a revenue of $10,196,267.00, and was reduced by $94,135. City Manager Westerholm stated that general fund expenses were $9,994,750 and added to that was $109,804.000 In response to question by Commissioner Gorden, City Manager Westerholm stated that included in the $109,804 were contributions to R.S.V.P., Senior Citizens Center, Palmer Drug Abuse, Expo Center, and Police Department, and the general fund expenses were now $10,104,554, which made the budget short by $2,000.

In response to question by Commissioner Gorden, City Manager Westerholm stated that all capital expenditures had been removed from the preliminary budget with the exception of the police cars.

In response to question by Commissioner Simond, City Manager Westerholm stated that present plans were to use the old public address system in the new City Hall. Mayor Garrison stated that, in his opinion, a new system should be bought with funds from the City Hall unencumbered fund. Commissioner Boyd stated that, in his opinion, the public address system should have been figured in the original contract.

In response to question by Commissioner Simond, City Manager Westerholm stated that the two beepers for $560 which were omitted from the budget were for the Animal Control Department.

In response to question by Commissioner Foley, City Manager Westerholm stated that the amount of $437,000.00 which was quoted as possible savings by utilizing the services of a Purchasing Agent had not been included in the budget.

In response to question by Commissioner Simond, City Manager Westerholm stated that the City does presently own a "Rescue Jaws" which is used by the Fire Department. Chief Billy Stephens stated that the equipment was purchased in 1978 and because of age, it is not always operable when it's needed. Chief Stephens stated that the cost of the Rescue Jaws is $9,000.

Mayor Garrison stated that the budget figures were at a deficit, and a raise had not been discussed for City employees. Mayor Garrison stated that if funds were available, he would like to see City employees receive a modest raise but was not in favor of raising tax rates to do so.

Commissioner Gorden stated that, in his opinion, some consideration should be given to employee raises if at all possible, and he would like to see City Manager Westerholm work on the figures and see if it is possible.

In response to question by Commissioner Bronaugh, City Manager Westerholm stated that the firemen working a 56 hour week had received a 2.68% raise because of the Federal Labor Standards Act. Commissioner Bronaugh stated that, in fact, one group of City employees had already received a raise.

In response to question by Mayor Garrison, City Manager Westerholm stated that it would take approximately $99,000 for a raise for City employees, excluding those in the Fire Department, who had recently received a raise for working 56 hours a week.

Commissioner Foley stated that there are always emergencies and he would like to see some amount put in the Contingency Fund.

Mayor Garrison stated that he was concerned about the estimated revenue for the coming year. Mayor Garrison stated that he would like to see the City Manager reduce the amount he had taken off for estimated sales tax from $200,000 to $100,000. Commissioner Boyd stated that, in his opinion, because of new legislature the City would get additional sales tax. Mayor Garrison stated that he did not think that it would be reckless to estimate the sales tax at $100,000 more than last year. Mayor Garrison stated that by doing so, it would balance the budget with a little reserve but that wouldn't allow for a raise.

Mayor Garrison stated that he would be willing to include the $120,000 possible property sale as a potential reserve fund. Commissioner Foley stated that he would like to see that money used only for other capital expenditures. Mayor Garrison stated that was his feeling also, but he didn't know how all the contributions could be met and the budget balanced.

Mayor Garrison stated that he wondered if the Expo Center would allow the City to take a little time and see how the sales tax collections come out and not make a firm commitment at this time, but let it be provisional.

Commissioner Foley stated that, in his opinion, the budget should be reviewed every 90 days and see how the sale tax revenue is coming in. Commissioner Foley stated that he would like to see a written financial report quarterly reflecting the City's financial condition. Mayor Garrison stated that presently there is $160,000 surplus in the Water and Sewer Fund. Mayor Garrison stated that there is the possible sale of the City Hall Annex and that amount could be used if a real emergency arises.

In response to question by Commissioner Boyd, Mayor Garrison stated that the budget at this point does include the $30,000 increase in the contribution to the Library. Commissioner Boyd stated that, in his opinion, this was a considerable amount and should be cut back. Commissioner Foley stated with present circumstances as they are, he would agree with Commissioner Boyd. Mayor Garrison stated that last year the contribution had been $68,000.

Mayor Garrison stated that the contribution to the Expo Center could be cut back to $25,000, and that would put $25,000 back into the operating fund. City Manager Westerholm stated that the contribution to the Expo Center is a capital expense since it is payment on the building. City Manager Westerholm stated that the Center has enough money to meet all it's obligations for three (3) years and anything that the City gives them will be put on deposit to earn interest. Mayor Garrison stated that, in his opinion, the City did not make a commitment to the Expo Center but was asked to appropriate $50,000 and requested to contribute that amount for three (3) years, but the City did not agree to do so. Mayor Garrison stated that he had read recently where the Lion's Club had paid off their commitment to the Expo Center and they may be able to make further contributions through their rodeo proceeds.

Mayor Garrison stated that the initial commitment had been for $300,000, and when the Expo Center needed additional funds, the City was aked for a $50,000 contribution for the next three (3) years.

Mayor Garrison recognized Virginia Allen in representation of the Kurth Memorial Library, who stated that the library operates under a contract drawn up by the City Attorney. Ms. Allen stated that under the Contract, either party can default on the Contract with six (6) months notice. Ms. Allen stated that the City of Lufkin is mandated by the Texas Legislature that the City provide 51% of a budget with tax supported funds. Ms. Allen stated that it is getting harder and harder for the Library to raise 49% of the operating expense. Ms. Allen stated that grants are available for books, films, references, aids to the sight and hearing impaired, and those things that are not considered operating expenses.

Mayor Garrison stated that the contribution to the library would be a little over 50% increase over last year's contribution.

Mayor Garrison stated that he had noticed an increase in salaries from $86,000 to $125,000, which looked like a 33 1/2% increase. Ms. Allen stated that the State was going to take away the Library's accreditation because the Library did not have a professional librarian, and according to the City's population, a professional librarian was required. Ms. Allen stated that the library employees received no benefits, but did take City holidays.

In response to question by Commissioner Foley, City Manager Westerholm stated that because it is a memorial library it is eligible for grants and contributions from private donors which would not be acceptable if the City owned it. Ms. Allen stated that contributions are received from the J. H. Kurth Foundation and Fairchild Foundation. Ms. Allen stated that at the present time the County does not contribute any funds to the Library, but because of a $24,000 deficit, she was planning to approach them for a contribution.

In response to question by Commissioner Roper, City Manager Westerholm stated that by deferring the $25,000 contribution to the Expo Center the City would now be $23,000 to the good.

Commissioner Gorden stated that by adding another 2 1/2% to the Water Fund this would mean another $100,000 that could be used as a Contingency Fund, and if $100,000 were added back to the Sales Tax Fund then the budget should be in good shape.

Mayor Garrison stated that he was in favor of leaving the Sales Tax estimate where it was in the beginning.

Mayor Garrison stated that if the income from sales tax is estimated at $200,000 more and add another 2% as an overcharge to water and sewer, that would make approximately $286,000 more and that would enable the funding of all the contributions. Mayor Garrison stated in order to provide a little cushion the Expo Center contribution could be cut back to $25,000 subject to further negotiations. Mayor Garrison stated that $286,000 plus $25,000 would make over $300,000 which would cover the contributions to the various organizations including $30,000 to the Library and a 2% raise for City employees.

Mayor Garrison stated that the budget had been at $10,102,267.00, and with $10,103,000 expenses that had made a deficit of $2,000, and with $200,000 sales tax, $86,000 from the water and sewer added, that would give $10,388,267.00 for operating revenues. Mayor Garrison stated that with the operating expenses at $10,104,000 deleting $25,000 from the Expo Center contribution would leave the operating expenses at $10,099,000 and $288,000 left for the contingency fund. Mayor Garrison stated that if $100,000 was used for raises, it would leave $188,000 for a reserve plus $120,000 possible revenue from the sale of property.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that budget be approved as a tentative budget for publication and preparation for the Public Hearing.

The following vote was recorded:

Aye - Mayor Garrison, Commissioners Bronaugh, Gorden, Roper, Boyd, Simond.

Nay - Commissioner Foley

Mayor Garrison declared motion carried by a vote of 6 to 1.

Commissioner Foley stated that, in his opinion, the sales tax revenue should be left at what it was last year.

Commissioner Foley stated that under present constraints, he would not like to see the City add a new department for the Purchasing Agent and, personally, did not see how the City would be able to save $437,000 a year.

Commissioner Simond stated that he did not like the idea of approving the budget at the 12th hour. Mayor Garrison stated that next year perhaps the budget could be presented to the Commission in June.

## 6. ORDINANCE - APPROVED - FIRST READING - BRANDON ELEMENTARY SCHOOL ZONE

Mayor Garrison stated that the Commission now had for consideration the realignment of the intersection at Kurth Drive and Sayers Street redefining the school zone for Brandon Elementary School.

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

## 7. RESOLUTION - APPROVED - SMOKING POLICY - CITY HALL

Mayor Garrison stated that the Commission now had for consideration an Ordinance regulating smoking in City Hall.

Mayor Garrison stated that since Commissioner Simond had requested that this item be placed on the agenda, he would invite his comments at this time.

Commissioner Simond stated that since last meeting of the Commission there had been some discussion that non-smokers did not inhale as much smoke as a smoker. Commissioner Simond read an excerpt from an article by Dr. Glover of the University of Kansas giving evidence of the problems non-smokers encountered by inhaling cigarette smoke. Commissioner Simond stated that he looked at smoking as a serious health problem.

Commissioner Danny Roper stated that, in his opinion, the City could address this problem through policy and not necessarily in the form of an Ordinance. Commissioner Roper stated that, in his opinion, a lot of smokers nowadays are more sensitive to non-smokers, and a lot of it was due to courtesy and common sense. Commissioner Roper stated that he would like to see the Ordinance passed without the penalties, and if there were too many violations the penalty could be imposed at that point.

Mayor Garrison stated that he had heard that 25% of City Hall employees were smokers.

Commissioner Jack Gorden stated that a solution to the problem would be to ban smoking throughout City Hall. Commissioner Boyd stated that smoker's have rights and that the Commission could not dictate to people. Commissioner Boyd stated that he could go along with permitting smoking in certain areas but didn't think that no-smoking sections in portions of rooms would work.

Commissioner Roper stated that he did not see anything wrong with department heads being able to smoke in their private offices. Commissioner Simond stated that it would not be fair to allow a department head to smoke in his or her office and deny a secretary or clerk to smoke in the areas where they work. Commissioner Foley stated that he agreed with Commissioner Simond in regard to department heads smoking in their private offices and was somewhat concerned about people smoking in the atrium.

Mayor Garrison stated that he believes inhaling smoke is harmful and it is not a matter of being sensitive. Mayor Garrison stated that he is willing to pass the Ordinance without penalties, but doesn't believe in Ordinances that aren't enforceable. Mayor Garrison stated that he had noticed that the Civic Center had "No Smoking" signs posted in the lobby but he had seen people smoking there.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Resolution designating smoking areas in City Hall be approved and that Section 3 of the Resolution relating to penalties and Section 2 - "a" relating to smoking in the atrium be eliminated from the Resolution.

The following vote was recorded: Aye - Mayor Garrison, Commissioners Gorden, Foley, Simond, Bronaugh Nay - Commissioners Boyd and Roper

Mayor Garrison stated that motion carried by a vote of 5 to 2.

Commissioner Foley stated that he would like for the City Manager to report back to the Commission in 90 days regarding the effectiveness of the Resolution.

## 8. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - TRIBBLE & STEPHENS - NEW CITY HALL CONSTRUCTION

Mayor Garrison stated that the Commission now had for consideration Resolution authorizing Certificates of Obligation for payment of invoice from Tribble & Stephens for City Hall construction.

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

## 9. CHANGE ORDER - APPROVED - FACADE OF OLD CITY HALL

Mayor Garrison stated that the Commission now had for consideration a possible Change Order for the facade of the old City Hall. Mayor Garrison stated that he and some of the other members of the Commission were under the impression that the outside of the old building would look the same as the new City Hall.

Commissioner Don Boyd stated that in talking with the City Manager he had learned that there would be money left in an unencumbered fund from the $4,000,000. Commissioner Boyd stated that it was estimated that the cost to do the work would be approximately $41,000, and in order to keep the continuity of the new building he would suggest that the money be expended for same.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that the Change Order be accepted to allow the outside of the building to have the same facade as the outside of the new portion of the building and for the cost of same not to exceed $41,000. A unanimous affirmative vote was recorded.

## 10. ORDINANCE - MAINTENANCE OF VACANT LOTS - ABANDONDED HOUSES - JUNK VEHICLES - DISCUSSED

Mayor Garrison stated that some consideration had been given to better enforcement of cleaning up vacant lots, abandoned houses and junk vehicles. Mayor Garrison stated that Commissioner Simond was of the opinion that it takes the City too long to get the process started and requested that this item be placed on the item for discussion.

Commissioner Simond stated that he has received a number of calls from citizens within the City, including people who were not in his District, about this problem. Commissioner Simond stated that he had gone around the City and had seen some of the problem areas. Commissioner Simond stated that he had reviewed copies of the Ordinances regarding these problems and it appears to him that the Ordinances are well written. Commissioner Simond stated that there are a lot of abandoned vehicles, abandoned houses and a multitude of lots with grass that's grown up as tall as some buildings, in the City. Commissioner Simond stated that in his opinion, the Ordinances regulating these violations are not being enforced. Commissioner Simond stated that if these Ordinances are not adequate, then the City Attorney should be asked to write some new Ordinances. Commissioner Simond stated that he was concerned that some of the people living next to the vacant lots with tall weeds were elderly people and in most cases were living alone and were frightened. Commissioner Simond stated that besides being a bad reflection on the City, these problems also posed a health problem and in some cases, a fire hazard. Commissioner Simond stated that one of the Ordinances referred to stagnant water, and in his opinion, the way the City handles this problem is not adequate.

Commissioner Simond stated that he did not understand why these Ordinances could not be enforced. Commissioner Simond stated that a person in violation should be penalized regardless of who he is. Commissioner Simond stated that there are a lot of absentee landlords who have no intention of cutting the grass or cleaning up the vacant lots. Commissioner Simond stated that someone is paying taxes on the property and the owner could be traced through the tax roles.

City Attorney Flournoy stated that some of these cases had been handled through City Court last month. City Attorney Flournoy stated that there's an elaborate procedure for pursuing these cases and he is trying to follow the procedure, but there is a lot of difficulty involved in them. Commissioner Simond stated that in his opinion, the violators should be taken to court and a judgment filed against the property. Commissioner Simond stated that he considered these cases to be a serious problem.

City Attorney Flournoy stated that Code Enforcement Officer James Fears was doing a good job in trying to enforce the Ordinances. Commissioner Simond stated that in his opinion, it was hard for Mr. Fears to be able to cover the entire City and perhaps he should be given some help. Commissioner Simond stated that at one time the Police Department was helping with this problem.

Commissioner Jack Gorden stated that he personally doesn't receive a lot of complaints from the people in his District, but he has received calls on this problem and he, too, would like to see the Ordinances enforced.

Commissioner Don Boyd stated that in his opinion the City should mow the weeded lots and after ten days notice the bill should be added to the owner's tax statement.

Mayor Garrison stated that the Commission would like to hear from the City staff how they could help in making these Ordinances more effective and requested that the City Manager report this information back to the Commission.

## 11. AGREEMENT - APPROVED - HERTY PARK PROJECT - TEXAS PARKS & WILDLIFE

Mayor Garrison stated that Texas Parks & Wildlife has approved the City's application to establish a park in Herty.

In response to question by Mayor Garrison, City Manager Westerholm stated that he had talked with representatives of Steele-Martin Enterprises last week and they stated they would stand behind their commitment as outlined in their letter of February, 1985 to sell the four and one-half (4 1/2) acres of land.

Commissioner Danny Roper stated that he would like to commend Asst. City Manager Brian Boudreaux and Parks and Recreation Director Don Hannabas for putting together the application package without the help of consultants or engineers, and in his opinion, they had done a good job.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Percy Simond that Resolution of appreciation be prepared and presented to Asst. City Manager Brian Boudreaux and Parks and Recreation Director Don Hannabas. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that the total amount required by the City would be $68,000 with $18,000 in City labor and in-kind contributions. City Manager Westerholm stated that the City would have three years to complete the project and because of budgetary constraints might want to make three payments and purchase the land the first year.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that the City accept the Texas Parks and Wildlife proposal and appropriate $25,000 for the acquisition of the land in the 1986-87 budget. A unanimous affirmative vote was recorded.

Asst. City Manager Boudreaux stated that the City would be reimbursed half of the $25,000.

In rsponse to question by Commissioner Pat Foley, City Manager Westerholm stated that if the $25,000 for the acquisition of the land is appropriated by the Commission it will have to be put in the budget. City Manager Westerholm stated that by the City authorizing him to sign the proposal it is committed to the project. Asst. City Manager Boudreaux stated that the City has nine (9) months in which to purchase the land.

## 12a. BID - APPROVED - STORM SEWER PIPE - TULANE STREET & FREEMAN STREET - TEXAS STEEL CULVERT CO., INC.

Mayor Garrison stated that the Commission now had for consideration bid for storm sewer pipe to be used as bridge replacement on Tulane Street and Freeman Street.

City Manager Westerholm stated that the low bid had been received from Texas Steel Culvert Co., Inc. in the amount of $4,375.00

Motion was made by Com. Danny Roper and seconded by Com. Percy Simond that bid of $4,375.00 from Texas Steel Culvert Co., Inc. be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

## 12b. BID - APPROVED - TELEPHONE SYSTEM - NEW CITY HALL - LUFKIN TELEPHONE EXCHANGE

Mayor Garrison stated that bids for the telephone system in the new City Hall had been opened Monday, August 19th, and recognized Jerry Hill, architect, in representation of bid.

Mr. Hill stated that the bid of $47,500 from Executone of East Texas, Inc. was the low bid for a PBX multi-line system and included 25 new telephones for the Police Department. Mr. Hill stated that he had checked with KTRE-TV who has the system and they were well pleased. Mr. Hill stated that the system is highly technical and is a very versatile type of equipment. Mr. Hill stated that the Executone offices are located in Longview and Nacogdoches and the City's equipment would be serviced out of the Longview office. Mr. Hill stated that the response time for critical calls would be within two hours, emergency calls within four hours and routine service calls within 24 hours.

Mr. Hill stated that the second lowest bid had been received from Lufkin Telephone Exchange using Northern Telecom equipment. Mr. Hill stated that Home Savings & Loan and First City Bank are presently using the LTX system.

Commissioner Percy Simond stated that there was only a difference of $5,031.30 in the two systems, and he felt strongly about doing business with a local firm.

Mr. Hill stated that the Executone system's capacity is 200 phones and there will be 60 phones in the new building.

Commissioner Pat Foley stated that he would concur going with a local firm, and, in his opinion, if the phones were out for two hours it would create problems because the City is a service-oriented entity.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond to accept the bid of $52,531.30 from Lufkin

Telephone Exchange as the best bid submitted. Motion was amended by Commissioner Bronaugh and seconded by Commissioner Simond that bid of LTX be accepted without warranty on the system and equipment. A unanimous affirmative vote was recorded.

## 13. INVOICE - APPROVED - BUCHER-WILLIS-RATLIFF - COMPREHENSIVE PLAN

Mayor Garrison stated that the next item for consideration was an invoice from Bucher-Willis-Ratliff for professional services for the Comprehensive Plan.

In response to question, City Planner Finan stated that the Comprehensive Plan was to be completed within 12 - 18 months, and it looks like at this time it will be completed by the end of October.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that invoice from Bucher-Willis-Ratliff in the amount of $4,774.50 be approved as presented. A unanimous affirmative vote was recorded.

## 14. BID - APPROVED - EVERETT GRIFFITH & ASSOCIATES - WASTEWATER TREATMENT PLANT

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith & Associates for engineering work on the Wastewater Treatment Plant.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that invoice in the amount of $11,576.16 be approved as presented. A unanimous affirmative vote was recorded.

## 15. FULLER SPRINGS WATER DISTRICT REPORT - DISCUSSED

Mayor Garrison stated that the City had received a rather comprehensive report on the Fuller Springs Water District acquisition.

Commissioner Pat Foley stated that before the Commission acts on this matter he would like to see some reports from engineers who have inspected the system and would like to know what kind of maintenance will be required.

Mayor Garrison stated that he would like to know by what authority the directors have to sell the system and he would like a little more time to study the proposal.

Attorney Curt Fenley stated that his purpose in appearing before the Commission tonight was for the City Attorney to obtain approval to start working on a Contract with him to present to the Board.

Commissioner Simond stated that under Contractural Procedures, item "I", it states that, "The employees of the Fuller Springs Water System District who are still employed on February 27, 1987 will be offered employment with the City of Lufkin March 1, 1987", and he wanted to know if these people would automatically be hired by the City of Lufkin. City Manager Westerholm stated that it would be good to have these people in the transition period of getting acquainted with the Fuller Springs Water system. City Manager Westerholm stated that if a job opening became available with the City these employees could be offered the job. In response to question by Commissioner Boyd, City Manager Westerholm stated that when there is a job opening the City does advertise the position but preference could be given to those already on the staff.

Commissioner Simond stated that under item "L" of Contractural Procedures it states that, "The City of Lufkin will agree to indemnify and hold harmless the employees and the directors of the Fuller Springs Water Supply District for any and all liability not covered by insurance arising out of the operation, management or maintenance of the District", and he would like to know how the City would know if there is a pending law suit. City Attorney Flournoy stated that he had talked with Mr. Fenley about this in regard to the time frame of this provision and he would recommend that this clause be omitted from the agreement. Mr. Fenley stated that the water district would keep the insurance in force for one year after the City's acquisition of the system. Mr. Fenly stated that his concern was that if an accident occurs after that one year period, if a lawsuit is filed naming any of the previous Board of Directors or employees, the City of Lufkin would assume the liability.

In response to question by Mayor Garrison, Mr. Fenley stated that the engineering firms of Everitt Griffith & Associates and Goodwin & Lassiter had worked on the water system. Mr. Matzenbach, member of the Board of Directors, stated that the Fuller Springs Water District had completed a pressure test and a checkup on the whole system not long ago.

Commissioner Foley stated that he was concerned with charging one group of water users one rate and another group of water users with a different rate.

Mr. Fenley stated that the District is prepared to pay off all the bond indebtedness it now has. Mr. Fenley stated that the next payment is due in February and the water district has operating funds available now to pay it off in it's entirety. Mr. Fenley stated that after meeting the operating expenses of the District there would be funds left over which would be turned over to the City.

In response to question by Mayor Garrison, Mr. Fenley stated that the time limit on the rates would be five (5) years.

In response to question by Commissioner Simond, Mr. Fenley stated that he also represented Angelina County Fresh Water Supply District (Cedar Grove), and at this time he was preparing a proposal to submit to the City. Mr. Fenley stated that there is some bond indebtedness with HUD but he has not been able to meet with their representatives to work out the financing.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that the City Attorney and Attorney Curt Fenley, representing Fuller Springs Water Supply District, proceed with working out the terms of an agreement between the City of Lufkin and the Fuller Springs Water Supply District. A unanimous affirmative vote was recorded.

## 16. HAZARDOUS MATERIALS/TOXIC WASTE - DISCUSSED

Commissioner Percy Simond stated that several meetings ago he had brought up the subject of hazardous materials coming through the City and has since written for some material on the subject which he feels the Commission should be made aware of. Commissioner Simond requested that toxic waste coming through the City on trucks and trains be put on the agenda for next meeting of the Commission and that representatives from the Fire Department and Police Department be present for discussion.

Commissioner Pat Foley stated that this subject had been brought up several years ago and at that time it was decided that signs at each of the entrances to the City be posted stating that hazardous materials were passing through the City.

17. There being no further business for discussion, meeting adjourned at 8:25 P.M.

Pitser W Garrison

Pitser Garrison - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary