

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7th DAY OF JANUARY, 1986, AT 5:00 P.M.

On the 7th day of January, 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 H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Commissioner Louis Bronaugh.
2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of December 17, 1985, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION & PERMANENT ZONING - LOOP 287 BETWEEN LUFKIN AVENUE AND SHADY PINE

Mayor Garrison stated that the Commission now had for consideration a Public Hearing to consider annexation and permanent zoning of property located on Loop 287 between Lufkin Avenue and Shady Pine and officially opened public hearing.

Mayor Garrison stated that R. L. Cunningham had been appointed as receiver to sell property which was part of an estate and this particular portion of the property lies outside the city limits. Mayor Garrison stated that the request was being represented by Attorney Bill Ricks.

Mr. Ricks stated that an application for annexation and permanent zoning had been presented to the Planning and Zoning Commission and they had unanimously voted to recommend same to the City Commission.

Mr. Ricks stated that Mr. Cunningham had been ordered to sell this property by the court and was requesting that same be zoned Commercial, Special Use, because Mr. Cunningham, as receiver, had no plans for construction on the property himself. Mr. Ricks stated that if the property is zoned Commercial, Special Use, the property owner will have to appear before the Planning and Zoning Commission prior to obtaining a building permit for site plan, set backs, ingress and egress, loading and unloading, lighting, etc.

Mayor Garrison stated that the property could not be zoned as Special Use without some type of business in mind.

City Attorney Bob Flournoy stated by the request being presented as Commercial, Special Use, they were asking that the property be zoned

Commercial and under the Special Use the property would be subject to site plan approval, ingress and egress, etc., being submitted to the Planning and Zoning Commission.

City Attorney Flournoy stated that the Planning and Zoning Commission would not be able to limit the actual use of the property, but could make restrictions to same.

Mr. Ricks stated that the judge who made the order recognizes that in order to sell this property and gain the most advantageous price for all the people involved, the property needs to be zoned and rezoned, and when it is rezoned, its value increases, and that's part of the receiver's duty to guard.

Mr. Ricks stated the application was originally filed requesting a Commercial Zone and the application was not processed because there was no use for the property.

Mayor Garrison stated that in his opinion Mr. Ricks should be requesting a Commercial Zone and then Planning and Zoning Commission could be given the privilege to prescribe the parking area, site plan, etc.

Mayor Garrison stated that he had no objection in zoning the property Commercial. Mr. Ricks stated that his client would be satisfied with Commercial zoning.

Commissioner Pat Foley stated that he had no objection to zoning the property Commercial, but had reservations since in the past the Commission had required the proponent have their use designated before the zone was changed and it looked as if the Commission was departing from normal procedure. Commissioner Foley stated that by zoning the property Commercial, Special Use, the Commission would be creating value by changing the designation of the zone.

Mayor Garrison stated that the request would be heard on first reading at the February 4th meeting and that hopefully more information could be provided at that time regarding zoning of this property.

Mayor Garrison closed public hearing due to lack of discussion.

5. ORDINANCE - APPROVED - SECOND READING - TAX ABATEMENT/REINVESTMENT ZONE - PARKWOOD MANOR, LTD. - 920 FRANK AVENUE

Mayor Garrison stated that at last meeting of this Commission an Ordinance was passed on First Reading for Tax Abatement/Reinvestment Zone on the property to be occupied by Parkwood Manor, Ltd. for a skilled care center. Mayor Garrison stated that at last meeting it was requested that more information in regard to the proposed renovation be made available to the Commission. City Manager Harvey Westerholm stated that a letter from Jerry Hill stating what the proposed renovations would be had been enclosed in the Commission packets. Mayor Garrison stated that Parkwood Manor, Ltd. planned to spend \$2,000,000 on the old Woodland Heights Hospital building to convert it to a skilled care facility.

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

6. ORDINANCE - FIRST READING - POSTPONED - ANNEXATION & PERMANENT ZONING - OLD UNION ROAD

Mayor Garrison stated that the Commission now had for consideration on First Reading an Ordinance for Annexation and Permanent Zoning of an area North of Old Union Road and South of Texas Southeastern Railroad Line, West of Largent, and East of Hudson City Limits. Mayor

Garrison stated that this property had been before the Commission on Public Hearing and since that time an On-Site Hearing had been conducted by City Planner Finan and there were some people present from the area.

William Long stated that he had opposed the annexation at the Public Hearing and since he had no plans to develop his 9 1/3 acres, he was opposing the annexation at this meeting. Mr. Long stated that he had had problems with people shooting guns and problems with garbage. Mr. Long stated that he did know what could be done about improving the flood situation controlling the damage to his road when it was flooded. Mr. Long stated that he did not need any more expenses.

Travis Fuller stated that he owns 15 acres which joins Hudson and while he supports the annexation, he opposed the property coming into the City zoned as Residential Large. Mr. Fuller stated that he already has a business operating on this property and wanted to know why he should have to pay an attorney for metes and bounds description and field notes on his property in order to have it zoned Commercial. Mr. Fuller stated that he operates a salvage pool for damaged vehicles for insurance companies, but does not utilize the entire 15 acres for his business. Mr. Fuller stated that in his opinion he should not have to pay for commercial zoning since his business has been operating for years.

Commissioner Jack Gorden stated that Mr. Fuller probably had an existing survey that could be used. Mr. Fuller stated that part of the existing survey was in Hudson. Mr. Fuller stated that 15.3 acres of his property would be annexed and the rest of that tract was in Hudson and he owned some adjoining property, part of which was also in Hudson.

Commissioner Pat Foley stated that he would like to see a property owner plat which would make it easier to locate residents to be annexed. City Attorney Flournoy stated that the City's Engineering Department could draw up a set of field notes that would be sufficient for this matter.

Mr. Fuller stated that he would like to see all his property come into the City as commercial, since property along the railroad is not suitable for zoning. City Attorney Flournoy stated that the City would help Mr. Fuller in making application and the Engineering Department could draw up the field notes. Mr. Fuller stated that he would appreciate the fire and police protection and the utilities.

Commissioner Percy Simond stated that his first inclination was to go along with waiving the fee and having the Engineering Department draw up the field notes, but when Mr. Fuller stated that he would like to have the fire and police protection, he had changed his mind. Commissioner Simond stated that Mr. Fuller should be required to pay for something somewhere along the line - the City will waive the application fee, Mr. Fuller will not have to pay attorney fees or engineering fees to pay for a survey. Mr. Fuller stated that he would pay all the cost if the City would zone his 15 acres as Commercial.

Commissioner Foley stated that if the request was not on a deadline he would like to see a map of the property owners and delay the annexation until another meeting. Mayor Garrison stated that he would like to see what portion of the property Mr. Fuller is using now.

In response to question by Commissioner Lynn Malone, City Attorney Flournoy stated that normally annexed property is taken into the City as Residential Large and then the Commission looked at the zoning in question, especially where a large tract of land is involved as in this instance. City Attorney Flournoy stated that if Planning and Zoning Commission turns down his request for Commercial zoning, he

has, as the Mayor stated, the right to continue to use it - you cannot take away the purpose he has used it for or any lower classification than what he's using it for.

Mr. Fuller stated that one reason he is asking that the property come into the City as commercial was that the west boundary was a cemetery, the north boundary was a railroad, and the northeast boundary has one house and he would like to see it come in as commercial. Mr. Fuller stated that he is currently zoned heavy manufacturing. City Attorney Flournoy stated that this is the lowest rating and on the property he has he could put in a service station or just about anything else under the heavy manufacturing zone.

City Attorney Flournoy stated that if Mr. Fuller comes back to the Planning and Zoning Department and asks for commercial zoning, it will be given consideration with the railroad, cemetery, etc., and then they could make the recommendation to the City Commission as to what it should be zoned. City Attorney Flournoy stated that Mr. Fuller would be limited to the area of his property that is actually being used as commercial and he cannot expand that area - a non-conforming use cannot be expanded. Mr. Fuller stated that he was concerned that when Mr. Stubblefield sells 100 acres of his property it will probably be used for a housing addition and with the front of his property being zoned Commercial, the back part would be land locked.

City Manager Westerholm stated that the City has a year to complete the annexation so there would be sufficient time to postpone any decision on the property at this time and come back at a later date with plats of the property showing the property owners.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone to postpone any action on this annexation and permanent zoning until more information is available. A unanimous affirmative vote was recorded.

7. ORDINANCE - DENIED - ZONE CHANGE REQUEST - JOSH JOHNSON - 902 PAUL AVENUE - RS TO RS, SU (FLEA MARKET)

Mayor Garrison stated that several months ago the Commission was considering a Zone Change Request by Josh Johnson to classify his property as a Flea Market and there was some question about whether he was in compliance with the ordinance. Mayor Garrison stated that the Commission granted Mr. Johnson until the first of January to get his zone situation clarified and then the Commission would reconsider the zoning change.

City Planner Finan stated that Mr. Johnson had been notified by Jack Bresie, City Building Official, and Atha Stokes, City Secretary, of the meeting, but he was not present. City Planner Finan stated that Mr. Johnson had built his flea market without a building permit and when it was discovered, he said he would bring it up to code and get the zone changed.

Commissioner Percy Simond stated that the City should follow the law and do whatever is necessary to do away with the flea market or bring it up to code. Commissioner Simond said that the flea market is a disgrace to the city.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that application for Zone Change Request be denied. A unanimous affirmative vote was recorded.

Commissioner Lynn Malone stated that in driving by the flea market, he had noticed that there were some slummy-looking houses in the area and he would like to know what the city is doing towards condemning these houses. City Planner Finan stated that the city is starting a

process to take care of this situation. City Planner Finan stated that James Fears, who is the Code Enforcement Officer would take on this project as part of his duties and would try to locate houses in the city that should be condemned. City Planner Finan stated that condemnation takes a long time and they would handle this process in a way that the city doesn't fall under any certain liability.

Mayor Garrison stated that the denial carries with it the request to the city staff to look into any remedy that might be available to change any non-conforming uses of this property.

8. POLICE STUDY PROGRESS REPORT, DISCUSSED

Mayor Garrison stated that the Commission had previously engaged a consultant to conduct a study of the city's Police Department and to make recommendations and some recommendations had been made recently at the request of Commissioner Boyd. Mayor Garrison stated that the City was asked to give a report of the progress of the changes made in the Police Department under those suggested changes by the consultant.

Commissioner Don Boyd stated that there was some concern about the March 29th report and what had been done towards meeting those recommendations. Commissioner Boyd stated that regarding the redesign of the organized task force and redesign of the units as special investigations, the March 29th report stated that the Chief prefers to have the task force under his direct command as he will be working closely with the chiefs of other departments and the program is working well the way it is, and on the latest report Chief Latham states that the task force may be phased out. Chief Latham stated that under the guidelines set out by the Governor's office the cities and counties have to come up with a 60/40% match on the buy money and he did not think the department would be able to overcome that obstacle, but they were able to overcome it and the task force is back in business.

Commissioner Boyd stated that the task force is composed of a 12 county area and the Chief and the Sheriff's Department work together.

Chief Latham stated that if we are not participating, the money will be cut. Chief Latham stated that next year Nacogdoches, Polk and Angelina counties will be involved in the task force, as the other counties do not have the manpower nor the money to participate. Chief Latham stated that the Police Department can work with the Sheriff's Department or without them and no funds will be cut.

Commissioner Boyd stated that one statement was made that the Sergeant's position in the Criminal Investigation Division would be redesigned for the Patrol Rank Detective. Chief Latham stated that he went along with this recommendation for a while, but the department did not need that much rank in the Detective Division and someone came up with the idea that if the Sergeants ever quit, they would not be replaced. Chief Latham stated that since that time, in talking with people in the department, it was felt that there would be no incentive to stay in the Detective Division if the Sergeants or Lieutenants positions were done away with. Chief Latham stated that at present the Sergeant's position is held by Walter Rankin and he would probably be around for some time and the decision could be made when he left the department.

Commissioner Boyd stated that as to the monthly staff meetings, Chief Latham stated that he had been meeting with the ranking staff and now he stated that the last department wide meeting was held November 21. Chief Latham stated that he tried to have the staff meeting on paydays when all the officers were present and that way he doesn't have to pay overtime. Commissioner Boyd stated that it would be a good idea to keep written documented minutes of the staff meetings. Chief Latham

stated that his department had started documenting the staff meetings. Commissioner Boyd stated that the Chief could meet with the men in the fifteen minute period prior to going on duty and each person attending the meeting could sign a paper stating that they had been in attendance.

Commissioner Boyd stated that he would like to clarify who was actually inspecting the vehicles, and Chief Latham stated that the supervisors had a check list and actually did the inspections. Chief Latham stated that an officer turning in a vehicle at the end of his shift would make a report of any trouble with the vehicle and the officer coming on duty and taking over the vehicle would also make a report. Chief Latham stated that if any major problem was reported, the vehicle would be parked behind the building and would not be used again until repairs were made.

In response to question by Commissioner Boyd as to how often supervisors monitor officer patrol techniques when on patrol, Chief Latham stated that supervisors have been riding with the officers once a month, but it had not been documented until recently.

In response to question by Commissioner Boyd, Chief Latham stated that every incident report that comes in is being monitored either by the Sergeant, Assistant Chief, or himself.

In response to question by Commissioner Boyd, Chief Latham stated that as far as he knows he is making himself more available to inspect the officer's vehicles and to inspect the personnel. Commissioner Boyd stated that he had heard that the patrol car used in the Christmas Parade was so dirty that the insignia on the side could hardly be seen. Chief Latham stated that the department had had a deal with a car wash where the vehicles were being washed free, but the car wash changed hands and was no longer available to the department. Chief Latham stated that at present the cars were being washed at the city barn which is not ideal for officers in uniform, however, the department was in the process of working out a deal with a private car wash with a discount where the officers will be able to drive thru the car wash and then go back out on patrol.

In response to question by Commissioner Boyd, Chief Latham stated that a written report documenting the results of inspection activities was being done by the Assistant Chief, and being passed on to him. Chief Latham stated that periodical contact with the victims of offenses had been done but had not been documented, however the department will begin to document same.

Commissioner Boyd stated that the Chief should take a more active role in representing the department in presentations to public and private organizations and the only one that was known about was Leadership Lufkin in 1985. Commissioner Boyd stated that in his opinion, Chief Latham should make himself more available to organizations such as the Kiwanis Club and he needed to do more public relations work. Commissioner Boyd stated that the Chief should be out where the public could get to know him.

In response to question by Commissioner Boyd, Chief Latham stated that an up-to-date pin-up map was being kept in the records department and corrected every Friday by Bobby Cannon.

Chief Latham stated that officers were rotated every six weeks for detective duty. In response to question by Commissioner Bronaugh, Chief Latham stated that the reason the 1160 warrants cited as of November 27, 1985, had been unserved was because the department was shorthanded and that at one time the unserved warrants had been as high as 1800. Chief Latham stated that a lot of the warrants are for

people living in Houston or Dallas, and there was not any way he could justify going that far to serve a warrant on a speeding ticket.

Commissioner Bronaugh stated that the next time the police study is discussed, he would like to consider same as a workshop item since 35 minutes had been spent in this discussion.

Commissioner Boyd stated that he wanted the Lufkin Police Department to be a top-notch, first class Police Department. Commissioner Boyd stated that there had been problems with the department and better training was needed for the officers. Commissioner Boyd stated that the Police Department could be compared to a football team where if the top man didn't perform, then he should be replaced. Commissioner Boyd stated that he would like to see some improvements and might also want to check the documentation.

9. CABLE TV STUDY REPORT, DISCUSSED

Mayor Garrison stated that the Commission had requested Mr. Merl Saxon and his associate to make a study of the Cable TV to see if they had any suggestions for improvement.

Mr. Saxon stated that the Commission had two reports, one from Mr. Mead which was quite comprehensive and a little report from himself. Mr. Saxon stated that the cable system consists of three different sections. Mr. Saxon stated that he had surveyed the front end which is the portion of it which picks up signals directly out of the air and gives them to the microwave system and he also surveyed the distribution system in Lufkin. Mr. Saxon stated that he had included some comments in his report in regard to Channel 39 which is the most inconsistent channel to pick up because it is from such high frequency, also with some suggestions as to what can be done. Mr. Saxon stated that the system in town consists of up-to-date amplifiers, distribution systems, and transmission lines and that appears to be good. Mr. Saxon stated that the only problem in the whole thing and the one that required the greatest amount of attention was the microwave circuit. Mr. Saxon stated that he had called in Michael Mead, a professional in the microwave business, to assist him and he would like to present Mr. Mead to the Commission at this time.

Mr. Mead stated that he had brought some slides that he would like to present which would help the Commission to better understand what he would be discussing.

Mr. Mead stated that he would like to discuss first of all the propagation factors effecting the Cablecom General System, and that this would probably be one of the most important factors to be considered. Mr. Mead stated that after we understand what is going on with the system, then we can look at the present system performance and then consider improvements in system reliability, look at future system performance and then he would make recommendations and discuss his conclusions about same.

Mr. Mead discussed the two types of fading with the system, one being selective fades which were short in duration and the other being power fades which were almost always associated with anomalous propagation conditions, which are not always easily predicted, and also absorption and scattering, which had to do with heavy rains.

Mr. Mead stated that under normal conditions a microwave beam would travel a straight line through a homogeneous atmosphere. Mr. Mead stated during anomalous conditions you will get more atmosphere above and a less dense atmosphere below and what will happen is as the ray front traverses through this atmosphere, it is slowed down by the denser atmosphere and it goes faster through the thinner atmosphere, so the ray bends upward. Mr. Mead stated that when the atmosphere is

dense due to fog on the ground, and you have thinner atmosphere above, the microwave beam will tend to bend into the denser atmosphere. Mr. Mead stated that if the bottom layer is dense enough, the microwave beam will bend into the ground before it reaches the receiver, which is called the "blackout" phase. Mr. Mead stated that in ducting, the ground phase layer rises such as fog lifting, and as the duct rises up the microwave beam will tend to bend back into the denser atmosphere and gets trapped into the duct and can't get to the receiver.

Mr. Mead stated that he had received a path profile from Cablecom on the Oak Grove to Livingston path and it was very helpful in that it showed where the path crossed the Trinity River and Lake Livingston, and there is a tremendous amount of moisture in the area so that when fog occurs, the microwave beam would traverse the path normally, but once it gets to the area of more dense atmosphere, it tends to bend down away from the receiver.

Mr. Mead stated that ducting occurs most often at night and pointed out on the slide showing Livingston receiving from Oak Grove where possible ducting occurred at midnight.

Mr. Mead presented a slide showing a map of the United States and pointed out that the occurrence of elevated ducting was present 40% of the time in Lufkin for the entire year. Mr. Mead stated that the occurrence of elevated ducts in percent of all hours of the worst month were present over 50% of the time for the entire year in Lufkin. Mr. Mead stated that in his opinion the path is subject to problems with ducting. Mr. Mead stated that when blackout fading occurs the signal goes completely out and it lasts from up to 2 or 3 hours at a time.

Mr. Mead stated that if Cablecom would tilt their antennas up it would compensate for some of the power failure they encounter during superrefractive conditions.

Mr. Mead stated that his first conclusion was that aside from outages associated with normal atmospheric multipath fading and rain, fading outages are also occurring due to anomalous conditions such as ducting, antenna decoupling during superrefractive conditions and blackout fading. Mr. Mead stated that in his opinion the Cablecom Company was an innocent victim of mother nature because these anomalous conditions are uncontrollable and unpredictable.

Mr. Mead stated that Cablecom's present system performance based on his calculations showed that the outage associated with normal atmospheric fading is a little over 2300 seconds a year and these are the outages which would occur for about one second. Mr. Mead stated that obstruction fading showed about one hour per year, however, obstruction is not something you would see every year - you could go five years without seeing any obstruction fading. Mr. Mead stated that the biggest outage was associated with rain fading in the amount of 22,641 seconds per year and fading during anomalous conditions is unpredictable and he calculated the total outage per year would be approximately 7 hours. Mr. Mead stated that the annual reliability would be 99%. Mr. Mead stated that 90% of the total outage had to do with rain fading and the atmospheric multipath fading was only about 9%. Mr. Mead stated that in his opinion the problems to be corrected were from rain fading.

Mr. Mead stated that as far as improvements in system reliability, there was no immediate remedy for ducting and blackout fades, the antenna decoupling associated with superrefractivity can be improved with antenna tilting. Mr. Mead stated that outages due to rain attenuation can be decreased with increased system gain and outages due to

multipath fading can be reduced by space diversity of increased system gain.

Mr. Mead stated that Cablecom presently has 7 hours of outage and Mr. Saxon had told him that they were presently changing out some components which would give them additional transmitting power, and if they were to add TWT amplifiers to their regular equipment and boost their power that way it would represent about a 24% improvement and would be down to about 5 hours of outage.

Mr. Mead stated that as far as recommendations go the present Cablecom General Oak Grove-Lufkin system will experience increased reliability with antenna tilting and increase system gain by increasing their transmit power and with greater receiver sensitivity or a combination of both.

In conclusion of his presentation Mr. Mead stated that the Cablecom General System experiences outages from fading due to rain, atmospheric multipath and unpredictable anomalous propagation conditions.

Mr. Mead stated that the reliability of the present system can be improved by as much as 50% by increasing the system gain by adding LNA's and TWT's. Mr. Mead stated that due to the tremendous costs involved with installing repeaters or an entire new system, resolutions involving shortening the paths were not considered. Mr. Mead stated that shortening the paths of 10 miles or less each would definitely avoid the problems experienced by Cablecom General. Mr. Mead stated that the present 3 hop system would become a 7 hop system. Mr. Mead stated that by doing all these things, outages would not be eliminated but they would be reduced.

Mr. Mead stated that the Cablecom's microwave system is approximately 70 miles and if there were one hop per every 10 miles there would be 7 hops and at today's prices one site of the microwave would be about half a million dollars and since there would be 8 sites for a 7 hop system you would be talking about a large amount of money. Mr. Mead stated that rain fading is complicated by the long lengths of the paths.

Mr. Mead stated that the one thing he did not discuss was the possibility of moving to another frequency band and it appears that Cablecom is stuck with 13 megahertz, as its the only one available.

In response to question by Commission Pat Foley as to how the Cablecom system compares with other systems, Mr. Mead stated that the Bell system's rate was 99.98 and Cablecom's present system could not achieve that rating. Mr. Mead stated that he is a microwave path designer and he would not have designed the Cablecom paths as long as they are and that Cablecom's system is as good as it can be with the present path lengths.

Mr. Mead stated that by adding more system gain Cablecom could provide a larger margin so that the paths can fade before they go completely out.

Mr. Mead stated that if the paths were shortened, the outage time would probably be less than one hour across the whole system, perhaps even 30 minutes. Mr. Mead stated that the more money invested in this problem better results could be expected.

Mr. Mead stated that the LNA's (Low Noise Amplifiers) could improve the noise figure and subsequently increase Cablecom's receiver sensitivity. Mr. Mead stated that the TWT (Traveling Wave Tube) is a device used in the transmitting portion of the radio equipment that provides the transmit power and TWTs would provide more power than what Cablecom now has. Mr. Mead stated that Cablecom is presently using

1/2 watt trystron and the TWT would provide them with 2 watts. Mr. Mead stated that adding the LNA's and the TWT's would be relatively cheap as opposed to adding new microwave repeaters.

Commissioner Percy Simond stated that he did not think the issue should be money but rather that the City should demand that the system be made better and that Capital Communications do whatever is necessary.

Mr. Mead stated that he had tried to present alternatives that the Cablecom system could choose from and that he was not saying that one particular thing would do better than another. Mr. Mead stated that there were other less costly avenues Cablecom can pursue to increase their reliability and he had tried to present some of those alternatives as well.

In response to question by Commissioner Don Boyd that even if Cablecom increases their hops it will still not be 100% and eliminate all outages, Mr. Mead stated that with doing nothing to their present system other than increasing their system gain Lufkin will still have a lot of outages, up to 3 1/2 hours. Mr. Mead stated that these outages may come at a time when you may not be watching a program personally, but if someone was interested in a particular program and the outage occurred, 3 1/2 hours would be excessive to that person. Mr. Mead stated that if Cablecom increases the number of hops which is the most expensive way to go, they will cut down on their outages about 30 minutes in an entire year.

Mayor Garrison stated that he remembered the president of Cablecom talking about spending several million dollars in improvements to the system. Mr. Mead stated that it would cost approximately a half million dollars per site and 8 sites would be around \$4,000,000.

In response to question by Commissioner Louis Bronaugh as to the price of LNA's and TWT's, Mr. Mead stated that he was not familiar with same and would report back to the Commission on the estimated cost.

Wayne Neal stated that his company tried to operate and do a job that was adequate to the community and do the best they can with what they could afford. Mr. Neal stated that Cablecom could spend \$4,000,000 which would be the cost of putting in 7 microwave hops and it would cost everyone in Lufkin on the microwave \$11.95 per month in added costs. Mr. Neal stated that Cablecom was faced with doing the best possible job with the least amount of money. Mr. Neal stated that Cablecom's rates are in the low 100's right now in the state of Texas and he would like to keep them there. Mr. Neal stated that he didn't think Cablecom needed to spend \$4,000,000 a year to bring the down time from 7 hours a year to 3 hours a year. Mr. Neal stated that Cablecom had looked at all the different alternatives, and had had the company that manufactured the equipment come and look at the equipment and they had made some recommendations in 1984. Mr. Neal stated that Cablecom then had representatives from the company that had manufactured the antenna and aligned the paths to come down and make sure that they were the way they were supposed to be. Mr. Neal stated that in reference to the 2 DBT tilt that Mr. Mead mentioned, Cablecom was in a situation where they could double their power and gain 3 DBT and if they adjusted the antenna to try to make it a little bit better and lost the 2 DBT and lost half their power they have actually knocked their radios down from 1/2 watt equipment to 1/4 watt equipment hoping that they might have one of the fades they've been talking about. Mr. Neal stated that Cablecom had corrected some multipath fades in 1975. Mr. Neal stated that Cablecom still had the rain fades but it was a question of how much money to spend to gain 3 or 4 hours of service. Mr. Neal stated that TWT's are approximately \$10,000 each installed and he would need 15 of them which would mean spending \$150,000. Mr. Neal stated that at some point you are spend-

ing more money than what you are gaining, and the cable subscriber in Lufkin has to pay for that in the long run. Mr. Neal stated that Cablecom had looked at all the options, and it was recommended by Rockwell International that the most cost effective thing to do would be to change out the klystrons. Mr. Neal stated that the price of the present klystron units has gone from \$720 to \$9,300 according to the last quotes he had received. Mr. Neal stated that Cablecom could go to a different type of tube manufactured by another company and the power will be raised from 1/2 watt to 1.25 watts of power. Mr. Neal stated that Cablecom has acted on this recommendation and 2 of the units have been ordered with a 9 month delivery date. Mr. Neal stated that one of the units is now in place running in a microwave and one of them is in inventory at the office, and the other 13 are on order. Mr. Neal stated that \$27,000 was spent making this change. Mr. Neal stated that Cablecom would do anything the City wants to do and in his opinion the route that they have taken is the most cost effective way to improve the system and will improve the down time maybe one hour per year. Mr. Neal stated that it was a matter of going ahead and improving the system another 7% and spending \$150,000. Mr. Neal stated that in his opinion this would not be the way to do it, but his Company is in a position that if that's what the council wants them to do, they will work up a cost analysis and present it to the council.

Mr. Neal stated that when Mr. James spoke to the council about increasing the rates and spending \$4.5 million he was talking about completely rebuilding the cable system within Lufkin, Texas, and not anything to do with the microwave. Mr. Neal stated that this figure was to bring this cable system up to where somewhere down the road future services could be added - at present there are 35 available channels and by expanding the service up to 60 channels would be available.

Mr. Neal stated that he would take Mr. Mead's report and look at it from the different alternatives and would work up a cost on doing the different recommendations and report back to the Commission.

Mayor Garrison stated that the only reason the cancellation clause was put in the contract was so that the City would not be completely subordinate to the cable system, that they would have to meet the needs of the community or otherwise the City would cancel the contract and start over.

In response to question by Commissioner Jack Gorden, Mr. Neal stated that the Washington Post was the new owner of Capital Cities Cable Co. as of January 1, 1986 and that Howard Wall was the new president of the cable company. Mr. Neal stated that when Mr. James had appeared before the Commission he thought that at that point in time Cablecom should look at the system and see if it needed to be completely rebuilt. Mr. Neal stated that Cablecom had worked up some financial figures in regard to rebuilding the system and at this point in time it doesn't look like it would be economically feasible to rebuild the system for what they would have to invest and for what they would gain. Mr. Neal stated that the Commission should have a copy of that particular report although it had never been formally submitted to the council.

Commissioner Jack Gorden stated that he had taken the proposed changes and upgrading of the system as stated by Mr. James to heart and that he personally did not feel that these changes had been done. Commissioner Gorden stated that Mr. James had stated that the proposed changes could be spread out over a longer period of time and it wouldn't cost the subscribers that much money and Mr. Neal was saying that Cablecom would do anything the Commission was willing to pay for if they double or triple the rates. Commissioner Gorden stated that it looked as if the solution to the problem was complicated and ex-

pensive and he did not think that Cablecom had lived up to what they said they would do at the time of the rate increase.

Mayor Garrison stated that the Commission has up until the 20th of February to decide in favor of cancellation and he would like for Mr. Neal to prepare a proposal to present to the Commission at next meeting.

Commissioner Percy Simond stated that he would like to ask City Manager Westerholm to have Assistant City Manager Brian Boudreaux to get in touch with some cable companies and see what they can do for the City and present this information to the Commission at the next meeting.

Mayor Garrison stated that he had noticed in the TML magazine that a cable seminar was to be conducted in Austin on the 24th of January and they would be giving an overview of all the cable situations from the standpoint of the cities. Mayor Garrison stated that in view of what he had heard tonight he was inclined to want to go to the seminar himself. Mayor Garrison stated that the reason the Commission had put the 5 year terms in the contract was so that the Cablecom would have to make the system good or the Commission would terminate the contract and now Congress had made a law that may have taken all the force out of our agreement.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that representatives of the City attend the TML Cable Seminar in Austin on January 24, 1986. A unanimous affirmative vote was recorded.

10. BID = APPROVED = ELLEN TROUT PARKING LOT

Mayor Garrison stated that the Commission now had for consideration the paving of the Ellen Trout park parking lot.

Mayor Garrison stated that the Lion's Club has made additional funds available to the Ellen Trout Parking lot project and that currently \$32,500 has been budgeted to the project including \$7,500 from the City. Parks & Recreation Director Don Hannabas stated that concrete construction is preferred by the Lion's Club with supervision of construction provided by the City of Lufkin. Mr. Hannabas stated that he had talked with T. S. Felts Construction Company and Mr. Felts will honor his low bid of \$32,246 for concrete and may be able to begin construction in January if approved.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that low bid of \$32,246 from T. S. Felts Construction Company be accepted and that funds contributed by the Lion's Club in the amount of \$25,000 be applied towards construction of Ellen Trout Parking lot paving project. A unanimous affirmative vote was recorded.

11. ENGINEERS = SELECTED = WATER PROJECTS

Mayor Garrison stated that the Commission now had for consideration a proposed contract from Kindle Stone Associates to do the design pumping installation and the computerized water study. City Manager Westerholm stated that in his negotiations with Kindle Stone Associates the company had lowered their proposal on the distribution system study by \$2,000 and lowered their proposal on the high service pumps by \$6,000 by eliminating the bid process and the inspection and construction phases. City Manager Westerholm stated that the original proposals from Kindle Stone Associates had been \$9,000 to \$11,000 for Part A and \$23,000 for Part B. City Manager Westerholm stated that the proposal received from Everett Griffith and Associates was \$18,500, the proposal from Goodwin-Lassiter was \$18,000 and the pro-

posal from Kindle Stone Associates had been \$32,000. City Manager Westerholm stated that Kindle Stone Associates had lowered the study on the distribution system to \$21,000.

Mayor Garrison stated that in line with the new law regarding going with the low bidder, he was inclined to negotiate with Goodwin-Lassiter before approving the agreement with Kindle Stone Associates because their proposal was \$9,000 higher.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the law requiring the acceptance of the low bid had already been enacted by the 1985 legislature.

Commissioner Jack Gorden stated that if the pumping capacity at the water plant cannot necessarily be coincided with the design of the distribution system, he would propose awarding the pumping part to Everett Griffith & Associates and the distribution study to Goodwin-Lassiter and it would save the City several thousand dollars. City Manager Westerholm stated that Everett Griffith & Associates bid \$5,900 on Part A, and Goodwin-Lassiter has suggested that they can do Part B for \$12,000.

Mayor Garrison stated that if Everett Griffith & Associates did the survey design service it would only be \$3,500, and in his opinion, Floyd Long could do the bid, construction and inspection phases to see that it complies with the plans, and Floyd Long probably knows more about that than the engineers.

Wayland Quisenberry from Everett Griffith & Associates stated that one of the reasons his company just gave a range in the systems analysis is that they were not convinced that systems analysis would be required, therefore, they were concentrating what they suggested to be done in the design phase, hopefully avoiding the systems analysis requirement they could save money. Referring to Part B, Mr. Quisenberry stated that Everett Griffith & Associates was not sure the City would need to expend all that money on the computer systems analysis. Mr. Quisenberry stated that once the design is completed and in place it can be evaluated better and the City might be able to avoid spending the money for a systems analysis.

In response to question by Commissioner Pat Foley, Mr. Quisenberry stated that right now the systems analysis would not give the City that much immediate benefit in his opinion.

Billy Sims of Kindle Stone Associates stated that when you talk about doing a study there is a wide range of scope that you can do, and when you talk about doing a computer run, depending on the alternatives you intend to do in your study, the scopes are very vague on the proposals that were given. Mr. Sims stated that Kindle Stone Associates could have cut their proposal back and reduced the services and made them very competitive, but his company has had considerable experience in doing these studies and, from the results of the other studies it looked to them as if the City was talking about doing several million dollars worth of improvements to their distribution system. Mr. Sims stated that to do a good, thorough study you whittle costs, limit the amount of alternatives and if you make assumptions you tend to over estimate to make sure you are on the safe side. Mr. Sims stated that if you want to do a bare minimum proposal then the cost would be lower. Mr. Sims stated that KSA wanted to give the City the best job to achieve the most cost effective system. Mr. Sims stated that the few thousand dollars difference in the proposal to make these improvements compared to the millions of dollars which can potentially be spent on the distribution system is a fairly minor cost compared to that system.

Mr. Sims stated that regarding the bid law, the law is fairly plain in excluding professional services.

In response to question by Commissioner Boyd, Mr. Sims stated that if the pump is going to be designed and improved without doing any distribution system improvements, it is not necessary that it be done in conjunction with the pump station - the main criteria for doing the study is the need for making improvements in the distribution system and when you want to get started.

Mayor Garrison stated that if the distribution system is not needed at the present time and the Commission takes the proposal with the lowest number, the Commission would only be spending \$3,500 to put the pumps in place. Mayor Garrison stated that he liked taking Everett Griffith & Associates' proposal on the design and Goodwin-Lassiter's figure as Commissioner Gorden had suggested. Mayor Garrison stated that the total would be \$15,500 and about \$11,500 cheaper than the KSA proposal.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that the City asked each firm to do an estimated cost on doing the design engineering for the high lift pumps and a comprehensive distribution systems study. City Manager Westerholm stated that he had also asked for an opinion as to whether the City had to do a distribution study before the pumps were designed and two of the firms said it was not necessary and one firm said it was.

Commissioner Pat Foley stated that before the Commission starts awarding bids, the Commission should show them what we want done and be sure we are all talking about the same work.

Commissioner Jack Gorden stated that in his opinion the distribution system study needs to be done but once we have the study it will take some major capital expenditures and the City doesn't have the money this year and probably won't have it next year.

Mayor Garrison stated that Goodwin-Lassiter goes into considerable detail in their letter of December 13th about what they propose to do and it looks like they have analyzed in some detail.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that when a contract is signed it will specify all the services the City requires.

City Manager Westerholm stated that Everett Griffith did the last water study and they had information from the study that would be useful to them for this project and Goodwin-Lassiter was working for Everett Griffith & Associates at that time and he assumed they had the same information.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that the Commission engage Everett Griffith & Associates subject to the contract and related terms to do the survey design services for the pumps at a cost not to exceed \$3,500. The following vote was recorded: Aye - Commissioners Bronaugh, Simond, Gorden, Boyd and Mayor Garrison. Nay - Commissioners Foley and Malone. Mayor Garrison declared motion passed 5 to 2.

Commissioner Foley stated that in doing business with Everett Griffith & Associates in the past, there had been a number of problems with previous projects and for that reason he voted against the motion.

Mayor Garrison stated that City Manager Westerholm was authorized to work out the details of the contract with Everett Griffith & Associates.

In response to question by Mayor Garrison, Commissioner Jack Gorden stated that he would like to see the staff bring the computer distribution system up again in the future. City Manager Westerholm stated that although the computer distribution system was not budgeted this year he would agree with Commissioner Foley and Billy Sims that we need to get started on it and not too far in the future.

City Manager Westerholm stated that work will begin on the new budget in April and this item could be included.

Commissioner Foley stated that for long range planning for the rest of the distribution system the Commission shouldn't do anything else to the distribution system until the study is done.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that the Commission instruct City Manager Westerholm to put the computerized distribution system in the next budget unless the money becomes available sooner. A unanimous affirmative vote was recorded.

12. ORDINANCE - APPROVED - ZONE CHANGE REQUEST - DALE STUBBLEFIELD
1306 N. MEDFORD - COMMERCIAL TO COMMERCIAL, SPECIAL USE (DAY-
CARE)

Mayor Garrison stated that the Commission now had for consideration a Zone Change Request by Dale Stubblefield covering property located at 1306 N. Medford Avenue from Commercial to Commercial, Special Use (Daycare). Mayor Garrison stated that there had been no opposition to the request and that the Planning & Zoning Board had passed it unanimously to be recommended to City Commission.

Commissioner Lynn Malone stated that he was concerned about the location of the building since it was to be used as a daycare center. Commissioner Malone stated that he had noticed that an absolute fence was recommended by Chairman Griffin of Planning & Zoning and he took that to mean that it must absolutely be fenced for the safety of the children. Commissioner Boyd stated that in his opinion the State licensing department would take care of fencing requirements.

Commissioner Boyd stated that ingress would be off of the Loop and egress would be off of Paul Avenue which would eliminate some problems at this location. Commissioner Malone stated that he was concerned that the parking would be in front of the building and Mrs. Susie Wall appearing in representation of the request stated that employee parking would be to the front of the building but more to the side of the building.

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

13. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST -
R. L. CUNNINGHAM, RECEIVER - MEDFORD BETWEEN PAUL AVENUE AND
LUFKIN AVENUE - RL TO C

Mayor Garrison stated that the Commission now had for consideration First Reading of an Ordinance for Zone Change Request by R. L. Cunningham, Receiver, covering property located on Medford between Paul Avenue and Lufkin Avenue from Residential Large to Commercial, Special Use.

Mr. Bill Ricks stated that he was appearing in representation of this request and that his client was asking for Commercial, Special Use because he has no use for the property as receiver nor do the heirs of the estate.

Mr. Ricks stated that the Special Use permit if granted would simply give back to the Planning & Zoning Commission the power to review site plans, topography, drainage, lighting, setbacks, ingress, egress, etc.

Mayor Garrison stated that Planning & Zoning doesn't have to approve all these things on a Commercial zone.

Mr. Ricks stated that if the Commission takes off the Special Use he would have to start over and readvertise and come back through the same process.

Mayor Garrison stated that in his opinion the Commission had the authority to remove the Special Use.

Mayor Garrison stated that he would not agree to a zone change that's not authorized by the book.

Mr. Ricks stated that the Planning & Zoning Board required that Mr. Cunningham have a use or come with some procedure whereby they could review the use that was going to be designed for the property.

Mayor Garrison stated that Mr. Ricks was letting the Planning & Zoning Board prescribe the use that was an obligation of the City Commission and they were the only ones who could change the zoning designation.

Mr. Ricks stated that before the property owner could get their building permit and certificate of occupancy the Commission would have to approve all the restrictions of the Special Use.

City Attorney Flournoy stated that he would suggest Mr. Ricks change his request to Commercial and come back with the annexation and have both requests approved at the same time.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond that zone be changed on First Reading by passing this Ordinance designating the property described as Commercial property from Residential Large designation. A unanimous affirmative vote was recorded.

14. RIGHT-OF-WAY PURCHASE - REDESIGN & REALIGN INTERSECTION - KURTH DRIVE AND SAYERS STREET

Mayor Garrison stated that the Commission now had for consideration right-of-way purchase to redesign and realign intersection at Kurth Drive and Sayers Street.

City Manager Westerholm stated that the City had asked the Highway Department about the possibility of realigning Sayers Street at Kurth Drive and they responded with a proposal that requires the acquisition of additional right-of-way.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd to purchase right-of-way in the amount of \$5,100 for Street Department project at Kurth Drive and Sayers Street. A unanimous affirmative vote was recorded.

15. INVOICE - APPROVED - FISCAL AGENT

Mayor Garrison stated that the Commission now had for consideration authorization for payment of fiscal agent invoice.

City Manager Westerholm stated that this invoice represented the cost of First Southwest for their services in securing the necessary bond rating in New York and other legal work for the sale of the

City's 3.4 million dollar Certificates of Obligation for improvements to the Sewer Plant and the construction of our 36" interceptor main.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that invoice from First Southwest in the amount of \$39,847 for Certificates of Obligation on the Sewer Plant be approved as presented. A unanimous affirmative vote was recorded.

16. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - NEW CITY HALL

Mayor Garrison stated that the Commission now had for consideration Resolution for Certificates of Obligation for payment of City Hall invoice.

City Manager Westerholm stated that prior to payment of invoices for work performed on the new City Hall building a Resolution must be approved by the Commission authorizing payment of same. City Manager Westerholm stated that this Resolution was to provide the monthly payment to Tribble & Stephens in the amount of \$106,101.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Resolution authorizing payment of invoice to Tribble & Stephens in the amount of \$106,101 be approved as presented. A unanimous affirmative vote was recorded.

17. AUDIT REPORT - POSTPONED

Mayor Garrison stated that since the Audit Report would be a lengthy item and due to the lateness of the hour he recommended that the Report be postponed until the January 21st Commission meeting.

18. EMERGENCY MEDICAL SERVICES DIRECTOR REPLACEMENT - POSTPONED

Mayor Garrison stated that replacement of the Emergency Medical Services Director would have to be postponed until the hospitals find out about liability insurance. Mayor Garrison stated that the two hospitals, Memorial Medical Center of East Texas and Woodland Heights Medical Center would be working together in this endeavor.

19. MARTIN LUTHER KING'S BIRTHDAY - HOLIDAY - DENIED

Mayor Garrison stated that Commissioner Percy Simond had requested that consideration of Martin Luther King's birthday as a holiday be placed on the agenda for consideration.

Commissioner Simond stated that the City has less holidays than the County or State and he would like to see Martin Luther King's birthday observed by the City employees.

In response to question by Commissioner Simond, City Manager Westerholm stated that the City employees now observe New Year's Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving, Christmas, and the employees' birthday. City Manager Westerholm stated that a floating holiday is given either the day after Thanksgiving or the day before Christmas.

In response to question by Commissioner Foley, City Manager Westerholm stated that City Hall employees take off half a day on Christmas eve.

In response to question by Mayor Garrison, City Manager Westerholm stated that full wages would be paid to City employees for the holiday and time and a half would be paid to employees in the Fire Dept., Police Dept. and water and sewer.

City Manager Westerholm stated that employees in the Fire Department and Police Department have more time off than regular employees of the City because they are under Civil Service. City Manager Westerholm stated that these departments are entitled to 15 days of vacation after one year's employment as outlined under 1269M of the State law, and that City employees are entitled to only 10 days of vacation after one year's employment.

Mayor Garrison stated that when City Manager Westerholm had listed the existing City holidays he did not hear any birthdays except for Christmas and he did not know if that was done for a purpose or not.

Mayor Garrison stated that if Mr. King was not a black person he wouldn't have any hesitancy for declining to grant the holiday on his birthday. Mayor Garrison stated that he wouldn't be interested in making anybody's birthday that he knows of as a Lufkin City holiday. Mayor Garrison stated that this puts him and the other Commissioners in an awkward position as it sounds like a racial issue and that puts the Commission at a considerable disadvantage. Mayor Garrison stated that he did not think that a person's birthday should be added to the existing holidays whether it was George Washington, Abraham Lincoln or Martin Luther King or anyone else.

Mayor Garrison stated that he would be glad to join in a Resolution of appreciation for commendation of everything that Mr. King has done and the fine successes that he has had but whether the City declares a holiday is pressing the issue a little too hard in his opinion when the City observes no other birthdays.

Commissioner Don Boyd stated that perhaps the City is behind the times in not celebrating some of the birthdays that the County and Federal institutions celebrate and maybe the City should start looking a little closer at this issue.

City Manager Westerholm stated that it would cost the City approximately \$25,000 a day to observe a holiday and that was a conservative estimate.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Martin Luther King's birthday be observed as a City holiday.

Commissioner Percy Simond withdrew his motion.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that the Commission consider declaring Martin Luther King's birthday as a City holiday. The following vote was recorded: Aye - Commissioners Simond, Boyd and Malone Nay - Commissioners Foley, Bronaugh, Gorden and Mayor Garrison Mayor Garrison declared motion denied by a vote of 4 to 3.

20a. BID = APPROVED = BLEACHERS = PARKS & RECREATION DEPARTMENT

Mayor Garrison stated that the Commission now had for consideration bid on bleachers to be used by the Parks & Recreation Department.

Mayor Garrison stated that the low bid was from Ed Cummings & Associates in the amount of \$2,350 and \$1,800 had been budgeted for this purchase. Mayor Garrison stated that Mr. Hannabas had \$1,230 remaining in his department's budget for the purchase of trash containers and \$550 could be transferred from this category to make up the difference.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that low bid in the amount of \$2,350 from Ed Cummings & Associates be accepted as the lowest and best bid for

bleachers to be used by the Parks & Recreation Department and that \$550 be transferred from Category 20-07 into Category 30-10 of the Parks & Recreation Budget to be used for the extra expense. A unanimous affirmative vote was recorded.

20b. BID - POLICE VEHICLES - TABLED

Mayor Garrison stated that the Commission now had for consideration bid on the purchase of seven vehicles to be used in the Police Department.

City Manager Westerholm stated that four bids had been received and the low bid was from Morrow Buick-Dodge for Dodge Diplomats in the amount of \$11,336.83 each.

In response to question by Commission Lynn Malone, Chief Latham stated that in the past the Department had found that the torsion bar suspension in the Dodge Diplomat cars was weak and had caused some problems. Chief Latham stated it cost \$1,500 to replace the torsion bar in these cars.

Mayor Garrison stated that in his opinion the Commission could not reject the low bid until they had met with the low bidder.

Commissioner Pat Foley stated that in his opinion the Commission would have to delay the bid in order to comply with the bidding laws for the State of Texas.

In response to question by Mayor Garrison, Travis Gossett, salesman for Morrow Buick-Dodge stated that he had no comment and did not have the authority to make a comment about the rejection of the bid.

In response to question by Mayor Garrison, Mr. Gossett stated that he was aware of the problem the Police Department had with the "sway" bars but it was strictly hearsay. Mr. Gossett stated that emergency vehicles and police vehicles were the only cars that had the torsion bars and it is part of a "police package".

In response to question by Mayor Garrison, Mr. Gossett stated that the Police Department had 12 Dodge vehicles and 3 Ford vehicles.

In response to question by Commissioner Pat Foley, City Attorney Bob Flournoy stated that in his opinion the Commission had satisfied the requirements of the law in regard to informing the rejection of the low bidder. Mr. Gossett stated that he had signed the bid which was presented at the bid opening.

In response to question by Commissioner Don Boyd, Chief Latham stated that the next low bid was for a Plymouth which was basically the same car as the Dodge Diplomat and he recommended rejecting that bid also.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid on police vehicles be tabled and requested that City Manager Harvey Westerholm notify next low bidders that bids on Dodge Diplomat and Plymouth cars be rejected. A unanimous affirmative vote was recorded.

20c. BID - APPROVED - MOBILE RADIOS - MOTOROLA

Mayor Garrison stated that the Commission now had for consideration a bid on mobile radios to be used in the Police Department and Public Works. City Manager Westerholm stated that Motorola's bid was \$27,950 and \$38,500 had been budgeted.

Mayor Garrison stated that he would recommend rejecting the bid until we have other bids besides Motorola. Commissioner Don Boyd stated

that when bids are requested, Motorola is the only company that responds. Commissioner Boyd stated that Motorola is the only company that has a service center in this area and if another company had the low bid the radios might have to be sent off to Dallas or Houston for repairs.

Public Works Director Ron Wesch stated that our current radio system will not work with the new base station and repeater station purchased out of last year's budget because the radios are outdated.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that bid of Motorola be accepted as presented. The following vote was recorded: Aye - Commissioners Boyd, Malone, Foley, Simond, Gorden and Bronaugh Nay - Mayor Garrison Mayor Garrison stated that motion carried by a vote of 6 to 1.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Pat Foley that the budget be amended by putting the excess of \$10,500 from the budgeted amount into the contingency fund. A unanimous affirmative vote was recorded.

21. EXECUTIVE SESSION - POSTPONED

Mayor Garrison stated that due to the lateness of the hour he would recommend postponing the Executive Session until next meeting of this Commission.

22. TREE BOARD - STREET LIGHT AT PERSHING AND LOOP 287 - CABLECOM

Commissioner Pat Foley stated that he noticed that a number of trees were removed from the back parking lot of City Hall and he wanted to know if anyone had thought to notify the Tree Board of same.

Commissioner Jack Gorden stated that he was very unhappy with the traffic light at Pershing and Loop 287. Commissioner Gorden stated that he travels through this intersection numerous times each day and sees people running this light and unless it was repaired and starts operating correctly, someone is going to be killed at this intersection.

Commissioner Louis Bronaugh stated that he would like to bring to the Commission's attention that on Channel 6 the City Commission meeting is listed at 7:30 P.M. and he would like to see a correction.

23. There being no further business for consideration, meeting adjourned at 9:37 P.M.


Pitser H. Garrison - Mayor

ATTEST:


Atha Stokes - City Secretary