

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF SEPTEMBER, 1987, AT 5:00 P.M.

On the 1st day of September, 1987, 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
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Nicholas Finan	City Planner
Ron Wesch	Public Works Director
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Frank Starr, Minister, First Lutheran Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that minutes of regular meeting of August 18, 1987, and special meeting of August 24, 1987 be approved as presented, and that minutes of emergency meeting of August 27, 1987 be approved as amended to read:

"Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that the City Commission adopt the recommendations as outlined by the evaluation of the City Attorney, and that since the City Manager was aware of these activities and failed to take appropriate action that the Commission hereby instructs the City Manager to take specific and affirmative action to prevent a reoccurrence of these things."

4. PUBLIC HEARING - CITY BUDGET - FISCAL YEAR 1987-88

Mayor Garrison officially opened Public Hearing to consider proposed City budget for fiscal year 1987-88.

Mayor Garrison recognized Virginia Allen representing Kurth Memorial Library. Ms. Allen stated that she was present to seek funds for the public library which belongs to all citizens, and is a part of the City of Lufkin and is operated as a responsibility of the City Commission. Ms. Allen stated that the library is a part of the City services just as the Zoo, Main Street project, and Parks and Recreation is.

Ms. Allen stated that the library is operated by a Board of Trustees under contract to the City. Ms. Allen stated that this contract, which is renewable year to year, was drawn up by the City Attorney and was signed by Mayor Garrison. Ms. Allen stated that this contract and agreement was entered into under the authority of Article 1694 of Vernon's Civil Statutes. Ms. Allen stated that Section II of the con-

tract reads, "The library being an established library agrees to assume the function of a free public library for the City and to furnish library services for all citizens of said City without charge under identical conditions."

Ms. Allen stated that Section III states that "the City hereby designates the library as the representative of the City for the purpose of providing library services for residents of said City."

Ms. Allen stated that Section IV is in consideration for these services that the library is going to do, and the City agrees to budget each year an amount of funds to be determined annually by the City Commission. The appropriation will be based upon a budget submitted to the City by the library in accordance with requirements set by the City. It is further agreed that this Contract could be terminated at any time by either party if they give a six months notice, and if such termination occurs, then all the personal property including the books, furniture, equipment, files and any and all of the personal property acquired under the terms of this contract shall be subject to division at the termination as herein specified.

Ms. Allen stated that the Trustees have just successfully completed an expansion program in which they raised \$400,000. Ms. Allen stated that this was accomplished through grants and public donations. Ms. Allen stated that the City was not asked to contribute funds towards the expansion.

Ms. Allen stated that during the past four years the patron registration at the library, as far as new and re-newed library cards are concerned, has increased 202%. Ms. Allen stated that library cards have been issued to over 13,000 individuals. Ms. Allen stated that people using the genealogy room for information has increased 92% in the last four years. Ms. Allen stated that people using the genealogy room for research boosts the City's economy by staying in local motels, eating in local restaurants, and shopping within the City.

Ms. Allen stated that new patrons have increased 33 1/2% in the past four years. Ms. Allen stated that in order to fulfill the mandate of the library's Contract with the City to serve these people, it was necessary to increase the library's space, staff, reference collections and especially the children's and youth collections. Ms. Allen stated that the science, medical, math, geography, geology, computer technology and space materials were all woefully outdated.

Ms. Allen stated that Mayor Garrison had served on the Board of Trustees from the time he became Mayor, and was elected a Trustee Emeritus when he asked to be relieved from his Board membership two or three years ago. Ms. Allen stated that, at the present time, the City Manager sits on the Board as an ex-officio member because of his position with the City. Ms. Allen stated that the City Manager had voting rights and that the library board looks to him for counsel in many areas of finance. Ms. Allen stated that the Board presented him a budget to be presented to the City Commission, and it was a "bare bones" budget to provide staff and operational costs in the new building. Ms. Allen stated that under the Statute the City is mandated to provide a minimum of 51% of a library budget from tax collected dollars. Ms. Allen stated that the remainder of the budget is raised now by the Board of Trustees. Ms. Allen stated that the Board asked Mr. Westerholm to compare the job descriptions of the library staff to those of similar job descriptions in the employ of the City and the pay scales of each. Ms. Allen stated that when that was done it showed that the library salaries and benefits as proposed for 1987-88 totalled \$137,000 a year while at the same time the City employees salaries and benefits for the current year totalled \$160,000.

Ms. Allen stated that the proposed budget included two new staff positions - a children's librarian and a business office employee. Ms. Allen stated that because of expansion this is a minimum number of employees for doubling the space. Ms. Allen stated that library employees have few benefits - they have the same holidays as the City and one-half of their health insurance premiums are paid by the Board.

Ms. Allen stated that other expenses that cannot be avoided for an enlarged facility include utilities, insurance, maintenance, supplies and janitorial services. Ms. Allen stated that the City has proposed no increase whatsoever for the library for the coming year. Ms. Allen stated that the library has done much for the children, with a wide cross section of them participating in the summer reading program. Ms. Allen stated that on a more dollar and cents basis, there are few, if any, retail establishments in downtown area who bring more people to downtown Lufkin than the City Library does.

Ms. Allen stated that the Library is asking the City to consider increasing its share of the Library budget for 1987-88 to take care of the salaries of the Library employees. Ms. Allen stated that if the City would take care of the salaries, the Board would be able to raise the rest of the money to fulfill its budget. Ms. Allen stated that this would mean \$31,500 more than the City contributed last year. Ms. Allen stated that that doesn't include the Social Security taxes of the salaries, the Worker's Compensation, or the Texas Employment Commission, which have to be paid.

Ms. Allen stated that if these funds are not available, then the Library is faced with cutting services to the citizens. Ms. Allen stated that if this request is impossible then she would ask if the City Commission would fund at least 51% of the library budget as the City has done for the past years. Ms. Allen stated that this would mean an increase of \$4,979.00 over what the City contributed in 1986-87. Ms. Allen stated that if the economy picks up within the next six months she would like for the City to take another look at seeing if they would be able to increase the City's contribution to the library according to their original request.

Mayor Garrison stated that the City had substantially increased its contribution to the Library by \$30,000 last year and managed for the money. Mayor Garrison stated that Ms. Allen has given the impression that the City is not supportive of the Library, but it has become a matter of constraint because of the inability to find the money.

Commissioner Jack Gorden stated that he had no problem with coming back later in the year if revenues increase and taking another look at the City's contribution to the Library.

Mayor Garrison recognized Dr. Royce Read, President of the Angelina County Medical Education and Research Foundation. Dr. Read stated that last March the City helped fund a program which was started to take care of indigent patients in a primary care clinic which is now operating in the Angelina City/County Health Unit. Dr. Read stated that this service is set up to provide out-patient primary care for patients who fall within or below 150% of Federal poverty guidelines. Dr. Read stated that a breakdown of the service provided thus far is: 66% white, 25% black and 9% hispanic. Dr. Read stated that as far as the income level, 50% of the patients fall below 30% of Federal poverty guidelines, which means that if you make \$75 per month you are not eligible. Dr. Read stated that 20% of the patients fall within the 31-60% income level, 23% of the patients fall within the 61-100%, and 7% of the patients they are seeing fall between the 100-150%.

Dr. Read stated that the clinic has provided a place where these people can be seen in dignity and receive primary care. Dr. Read stated that the patients receive laboratory assessments, x-ray work,

and are referred to consultants within the community. Dr. Read stated that the clinic is also providing indigent O.B. care.

Dr. Read stated that the Clinic has a very well qualified physician, Dr. Merlin Lugo Ferria, who had taught primary care in Houston in the University of Texas for seven years. Dr. Read stated that Dr. Ferria is Board certified in Family Practice and Public Health.

Dr. Read stated that only 5% of the patients from the Clinic who have required in-patient services have had to go to local hospitals and the rest have been sent to UTMB in Galveston.

Dr. Read stated that his reason for being present tonight was to ask the Commission to continue funding of this project.

In response to question by Mayor Garrison, Dr. Read stated that originally the Clinic was given \$75,000 for the year and at a meeting in February when the budget was really tight the Commission agreed to fund the Clinic for seven months.

Mayor Garrison stated that the \$75,000 commitment was made in anticipation of the Family Practice Residency and then because the Commission had made the original commitment, they agreed to give part of it to this new program. Dr. Read stated that this program is providing basically what the Family Practice Clinic would have done with the exception of training doctors, which this program is not doing.

In response to question by Mayor Garrison, Mike Czepiel stated that the initial year funding was placed at \$300,000. Mr. Czepiel stated that \$150,000 was through a Temple Foundation grant, 25% through Angelina County, and 25% initially budgeted by the City of Lufkin.

Mr. Czepiel stated that of the initial twelve months the City did budget \$6,250 for seven months which expires September 30th.

Dr. Read stated that his request tonight is for the balance of the original \$75,000 and would like to have the continuing support of the Commission. City Manager Westerholm stated that to complete the commitment would mean five months at \$6,250 per month for a total of \$31,250.

Mayor Garrison recognized Owen Chastain with the Lufkin Fire Department, who stated that he represented the entire Fire Department in objection to the proposed pay raise for beginning firemen. Mr. Chastain stated that the firefighters appreciated the Commission's concern in attempting to do something to attract more qualified minorities but a \$101 raise, in their opinion, will not help that much. Mr. Chastain stated that this will not give any incentive for a new recruit to want to stay in Lufkin, especially when he or she has to stay for approximately two years before getting another raise. Mr. Chastain stated that the firefighters want the minorities too, but they also want them to stay, but want the fully trained personnel to stay too. Mr. Chastain stated that he was asking the Commission to reconsider their proposal, and would ask again for a \$300 across the board raise, which the firefighters feel will save the City more money in the long run than what they are asking for. Mr. Chastain stated that it takes approximately \$20,000 to train a fireman from a rookie all the way through to a paramedic level, which takes two years to complete. Mr. Chastain stated that the Fire Department has lost five excellent fully trained paramedics at a cost of \$100,000. Mr. Chastain stated that for \$300 a month the firefighters feel that this will give the personnel and new employees a definite incentive to want to stay and a more positive attitude in which to draw people from other cities to Lufkin. Mr. Chastain stated that a \$300 raise will bring Lufkin's firefighters up to the average of other cities of com-

parable size who are only Fire Departments, not Fire Departments and Ambulance.

In response to question by Commissioner Foley, Mr. Chastain stated that there are sixty men in the Fire Department, including the Chief, which would mean a total raise of \$255,000 per year, which includes vacation time and sick leave.

In response to question by Commissioner Gorden, Mr. Chastain stated that in the salary survey conducted by the Fire Department, they had tried to stay in the East Texas area and the City closest in salary to Lufkin is Corsicana at \$22,000 per year, and they are strictly a Fire Department.

Mayor Garrison stated that if the paramedics are leaving to work in bigger cities there was no way that Lufkin could compete with the higher salaries. Mayor Garrison stated that he would point out that a recent article in the newspaper reported the cost of living in Lufkin being substantially less than the cost of living in other areas.

Mayor Garrison stated that the Commission is not antagonistic to the Fire Department and is not minimizing what the firefighters do. Mayor Garrison stated that the Fire Department does a service that is incomparable in a lot of ways. Mayor Garrison stated that it becomes a matter for the Commission to try and find the money somewhere and the City cannot necessarily compete with salaries outside this area. Mayor Garrison stated that the Commission wanted to give every consideration to the firefighters request and if they could not do anything now they would try their best to keep it in view if and when the economy picks up.

Mayor Garrison stated that the City is having to borrow money to purchase personal equipment such as typewriters, file cabinets and automobiles, and they have never had to do that before.

Mayor Garrison recognized I. J. Tucker representing the Professional Firefighters Association of Lufkin. Mr. Tucker stated that he would like to take the opportunity to thank the Fire Departments newly retired Chief for his 33 1/2 years of dedicated service to his department and to this City.

Mr. Tucker stated that he was in complete support of the statement given by Mr. Chastain.

Mr. Tucker stated that he was raised in Lufkin, Texas and would like to continue to stay but the bottom line is that he has to look at making a living and most of the other men do too. Mr. Tucker stated that he did not want to move to Dallas or Conroe or anywhere else, but if that's what it takes then that's probably what will happen. Mr. Tucker stated that there are seven other firefighters that have applications in with other cities at this time. Mr. Tucker stated that tests will be coming up in October and while he can't say that each and every one of them will leave, if they do then the City will be out almost as much money as if they went ahead and approved this raise. Mr. Tucker stated that seven firefighters with the five that the department has already lost would be twelve times \$20,000 to train these men for a total of \$240,000.

Mr. Tucker stated that he would like to bring up the fact that for years the Fire Department has worked on several projects to save the City large sums of money. Mr. Tucker stated that for years the Fire Department built its own ambulances and probably saved hundreds of thousands of dollars there. Mr. Tucker stated that these ambulances were built mostly with the firefighter's skills and own tools.

Mr. Tucker stated that the firefighters feel that, at this time, it is only right that they can come and ask for the raise and expect it to be accepted. Mr. Tucker stated that the firefighters didn't just decide this year that they were being underpaid, they have known this for years and each time have felt that it just wasn't a good time to ask for a raise. Mr. Tucker stated that if the Commission is going to have to spend \$240,000 down the road, it would be better to go ahead and spend the money in a positive way to keep the people who are already trained as paramedics.

Mr. Tucker stated that the firefighters want more minorities but at the same time feel that the City has a responsibility to the people who are now employed by the Department. Mr. Tucker stated that the survey conducted by the City clearly showed that the Fire Department was 24 men undermanned. Mr. Tucker stated that the Fire Department had been doing two jobs, undermanned, and underpaid. Mr. Tucker stated that the firefighters were asking for an average equitable salary at this time.

In response to question by Commissioner Foley, City Manager Westerholm stated that in order to meet the request for a raise for the Fire Department, it would require a 3 1/2 cent tax increase.

Mr. Tucker stated that as far as a tax increase is concerned, the firefighters feel that the money is probably in the budget at the present time. Mr. Tucker stated that he believed it had already been stated that the projection for the next years sales tax revenues would be increased.

In response to question by Mr. Tucker, Mayor Garrison stated that the \$610,000 from sales tax which has been placed in reserve is money that the Commission cannot spend. Mayor Garrison stated that this money is to be used to reduce ad valorem tax, not to use in addition to ad valorem tax. Mayor Garrison stated that when the public voted that in, they voted in that 1/2 of 1% tax, according to the ballot that was submitted, to be used to reduce ad valorem tax. Mayor Garrison stated that the funds would be used as a reserve fund to go self-insured and reduce some of the City's insurance obligations. Mayor Garrison stated that this money won't even come in until the last nine months of the fiscal year.

Mr. Tucker stated that he had a copy of the budget and had been going over it, and he feels like the money is there, and the priorities haven't been set correctly.

Mayor Garrison closed Public Hearing due to lack of discussion.

5. FINALIZATION OF BUDGET - FISCAL YEAR 1987-88

Mayor Garrison stated that the Commission would now consider tentative approval of the budget for the fiscal year 1987-88. Mayor Garrison stated that at next meeting the budget will be considered for final adoption and levying the tax.

Commissioner Percy Simond stated that, in his opinion, the City could not afford to stand still because of a temporary short fall and he would hope that the Commission would look favorably upon the requests made by these groups before the budget is finalized. Commissioner Simond stated that the requests heard tonight were not unreasonable, and if the Commission cannot meet the requests right now he would like to see them reconsidered as funds become available.

Mayor Garrison stated that, in his opinion, the Commission is not blind and indifferent to the requests. Mayor Garrison stated that the Commission is proud of the Fire and Police Departments and the good service they give the City, but there are other City employees to be

considered as well. City Manager Westerholm stated that last year a 2% across the board raise was given to all City employees. Mayor Garrison stated that at one of the Workshop meetings the thought was expressed that if the economy improves a raise will be considered to all City employees.

In response to question by Commissioner Foley, City Manager Westerholm stated that to give all 331 City employees a \$300 raise, it would take \$1,191,000 to do so.

Commissioner Foley stated that he agreed with Commissioner Simond that the requests heard were all worthy requests and it was very difficult to say "no" to any of them. Commissioner Foley stated that since he had been on the Commission, the City had never failed to give a salary increase but it appears that this may be the first time. Commissioner Foley stated that basically he is opposed to financing the equipment the City needs, but there doesn't appear to be any other way to operate without financing some of it. Commissioner Foley stated that he was more supportive of a pay-as-you-go type of government, but he realized the constraints that the City is operating under at the present time. Commissioner Foley stated that the budget committee did recommend that in six months the Commission review the City's financial situation and determine if there is any way at that time to make some salary adjustments.

Commissioner Danny Roper stated that while he agreed with both Commissioners Simond and Foley, he thought that the citizens needed to know that this is the first tax year the City has operated without Revenue Sharing, which comprised some \$500,000 of previous budgets. Commissioner Roper stated that the City had a short fall of approximately \$100,000 in fines and collections and close to a \$500,000 short fall in sales revenue. Commissioner Roper stated that in this budget, it was his opinion, that Commissioners were trying to look at City employees retaining their positions and not having to take a salary cut with the fiscal year of 1987-88 being a better year and that the Commission could go back and give all City employees a raise.

Mayor Garrison stated that he had looked up some figures which may not be particularly appealing to the Fire and Police Departments, but which he found interesting. Mayor Garrison stated that the City's salary levels for Fire and Police Departments must not be so grossly wrong. Mayor Garrison stated that in 1986 there were three positions open in the Police Department and 88 people applied for those jobs. Mayor Garrison stated that in 1987 with three vacancies in the Police Department, 102 people made application and 72 of them took the test.

Mayor Garrison stated that in the Fire Department in 1986, eighty-five people took the entrance exam and in 1987 eighty-three people took it. Mayor Garrison stated that to him that shows that the City has a Fire and Police Department that people are proud of and want to be a part of.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that the budget be adopted as a tentative budget for the fiscal year 1987-88.

Commissioner Don Boyd stated that he would like to see the Commission give the library and medical requests some consideration. Commissioner Boyd stated that in talking with the people he didn't find any objections to raising taxes in order to have the things the City needs.

Mayor Garrison called for the vote. The following vote was recorded: Aye - Commissioner Bronaugh, Simond, Roper, Foley, Gorden, and Mayor Garrison. Nay - Commissioner Boyd.

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

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST -
ANGELINA CHAMBER OF COMMERCE - RL, LB to LB

Mayor Garrison stated that the Commission would now consider First Reading of Ordinance for Zone Change Request by Angelina Chamber of Commerce covering property located on South Medford between Chestnut and Wallace from Residential Large, Local Business to Local Business.

There was no opposition present.

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

7. BID - AUTHORIZED - CAT EXHIBIT - ELLEN TROUT ZOO

Mayor Garrison stated that the Commission has been requested by the Ellen Trout Zoo to advertise for bids for the construction of a cat exhibit at the zoo. Mayor Garrison stated that plans and specifications are being submitted for the Commissioner's review and authorization was requested to advertise for bids.

Commissioner Louis Bronaugh stated that he had heard a rumor that raises could probably be afforded the City employees rather than spend \$100,000 on this project. Mayor Garrison stated that the exhibit will not be paid for with City funds, but rather with money donated through a foundation to the Friends of the Zoo.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh authorizing bids for the cat exhibit at Ellen Trout Zoo. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - NEW TMRS PROVISIONS

Mayor Garrison stated that the Texas Municipal Retirement System requires that cities update their system every year. Mayor Garrison stated that a letter from the TMRS director included an Explanation of Plans, along with benefit estimates for both active employees and retirees under the various proposed plans. Mayor Garrison stated that the Commission will be considering the updated service credit and an annuity increase for retirees equal to 70% of the Consumer Price Index.

City Manager Westerholm stated that the staff is suggesting Plan I, which will result in a rate of \$5.55, as opposed to the present plan which would have a rate of \$5.58.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading adopting Plan I of the new TMRS provisions. A unanimous affirmative vote was recorded.

9. ORDINANCE -APPROVED - FIRST READING - PERSONAL FINANCE CONTRACT

Mayor Garrison stated that the Commission now had for consideration adoption of an Ordinance approving the execution and delivery of a personal finance contract. Mayor Garrison stated that a list of the items to be purchased had been included for the Commissioners consideration.

In response to question by Commissioner Simond, Assistant City Manager Brian Boudreaux stated that the paper shredder would be used to destroy personal records of employees since the City will now be doing an in-house payroll.

In response to question by Commissioner Simond, City Manager Westerholm stated that the public address system that is on the list is actually a bull horn to be used by the Police Department.

In response to question by Commissioner Simond, City Manager Westerholm stated that the ten pagers would be used by the Fire Department, and the van would be used by the Police Department to transport prisoners to the County jail.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Ordinance authorizing the Personal Finance Contract and the execution of same be approved on First Reading as presented. A unanimous affirmative vote was recorded.

Mayor Garrison stated that it was necessary to designate four people to sign the application "Attachment A under Exhibit B" of the Personal Finance Contract. City Manager Westerholm stated that the Mayor and Mayor pro tem will sign the Contract along with two City staff members, the Finance Director and City Manager designated as the signatures.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh amending the previous motion to read: that the City adopt an Ordinance electing to become a participating political subdivision as an additional party to the agreement already in place, and additionally to enter and authorize the execution and delivery of the Personal Property Finance Contract with the non-profit corporation that will issue the Bonds, and to designate the four public officials who will be signators as the Mayor Pitser Garrison, Mayor pro tem Pat Foley, City Manager Harvey Westerholm, and Finance Director Rita Jenkins. A unanimous affirmative vote was recorded.

10. APPRAISAL DISTRICT DIRECTOR - 1988-89

Mayor Garrison stated that the City is authorized to appoint one person to the Angelina County Tax Appraisal District for a term of two years beginning January 1, 1988.

Mayor Garrison stated that he had been serving on the Board at the request of the City Commission, and he would prefer that somebody else be appointed so serve in this capacity.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that Commissioner Pat Foley be appointed as the City's representative to serve as Appraisal District Director for 1988-89. A unanimous affirmative vote was recorded.

11. CONTRACT - APPROVED - CALAME, LINEBARGER & GRAHAM - DELINQUENT TAX COLLECTION

Mayor Garrison stated that Attorney John Kay was appointed to collect delinquent taxes for the City of Lufkin and because there was not enough volume of business to continue this work he has made arrangements with the law firm of Calame, Linebarger and Graham to collect the taxes. Mayor Garrison stated that Mr. Kay was asking the City Commission to authorize the Tax Appraisal District to appoint this firm from Austin and John Kay to collect the City's delinquent taxes.

Commissioner Foley stated that he is willing to try this on a trial basis but preferred to have local representation.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that the City Commission contract with John Kay and Calame, Linebarger and Graham for the collection of delinquent taxes. A unanimous affirmative vote was recorded.

12. ORDINANCES - APPROVED - FIRST READING - ADJUSTMENT OF WATER AND SEWER RATES

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinances adjusting the water and sewer rates. In response to question by Mayor Garrison, City Attorney Flournoy stated that this is a Civil Ordinance and will become effective upon Second and Final Reading.

Commissioner Foley stated that he would suggest October 1st as the beginning date.

Mayor Garrison stated that, in his opinion, the Commission was in agreement to raise the water and sewer rates by 11% to develop the required coverage that the City is obligated to under it's Bond.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that Ordinances adjusting water and sewer rates be approved on First Reading as presented and such rates being effective October 1, 1987. A unanimous affirmative vote was recorded.

13. ORDINANCE - APPROVED - FIRST READING - ADJUSTMENT OF FEES FOR SANITATION SERVICE

Mayor Garrison stated that the Commission would now consider First Reading of an Ordinance adjusting fees for sanitation service.

City Manager Westerholm stated that the proposed increase would be 12% and service for a private residence would go from \$5.00 per month to \$5.60 per month.

City Manager Westerholm stated that as of October 1st, sales tax will be included on the sewer bills, and on January 1st there will be another 1% increase in sales tax.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper that Ordinance revising the fees for sanitation service be approved on First Reading as presented, and such rates being effective October 1, 1987. A unanimous affirmative vote was recorded.

14. CIRCUS VARGAS - APPROVED - MORRIS FRANK PARK - OCTOBER 13-14, 1987

Mayor Garrison stated that the next item for consideration was Circus Vargas to perform at Morris Frank Park on October 13th and 14th under the auspices of the Lufkin Jaycees. Mayor Garrison stated that the circus was paying the Jaycees \$1,000 and will pay the City \$335 per day as rental on the property at the park.

Mayor Garrison stated that the Planning and Zoning Commission had recommended the circus for consideration by the City Commission.

Mayor Garrison stated that he was concerned about the damage to the turf at the Park. Commissioner Bronaugh stated that he understood that the circus has said that there will be no animals or tents or vehicles on the playing fields themselves.

City Manager Westerholm stated that the area the circus will use will be between Garrison Field and the girl's softball field in the open area.

Commissioner Pat Foley stated that since there is concern over damage to the park grounds he would like to see the deposit paid to the City raised from \$1,000 to \$2,500.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper authorizing Circus Vargas to perform at Morris Frank Park on October 13 and 14, subject to a \$2,500 deposit for damages.

The following vote was recorded:

Aye: Commissioners Gorden, Roper, Foley, Boyd, Simond,
Mayor Garrison

Nay: Commissioner Louis Bronaugh

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

Mayor Garrison stated that he would like for Don Hannabas to assume the responsibility of informing the circus of the \$2,500 deposit for damages.

15. STREET CLOSINGS - PROPOSED PARK SITE AT OLD SEWER PLANT - CITY ATTORNEY'S STATEMENT - COUNCIL CHAMBER SEATING

Commissioner Simond stated that at last meeting during discussion of the street closing request by Calvary Baptist Church someone had stated that the City was opposed to closing streets. Commissioner Simond stated that he had checked the minutes and found where the City had closed Kornegay Street and Rusk Street on August 2, 1983, as requested by Mile Post Inn; Lafayette Street on September 6, 1983, as requested by Elbert Johnson; North Bank Street on October 4, 1983, as requested by James Maddux; Prairie Street on October 4, 1983, as requested by Robert Cold; street at 1801 E. Lufkin Avenue on June 3, 1986, as requested by Tri-Lufkin Corporation; on May 6, 1986 Republic Bank had requested a street closing; and Sandy Lane Street on March 3, 1987, as requested by Hulen Squyres.

Commissioner Simond stated that several months ago a proposed park site was approved at the Old Sewer Plant, and he would like for the City Manager to bring the Commission up-to-date on the status of the park.

City Manager Westerholm stated that the Commission had been very careful about the way they phrased the motion at that meeting because once an area has been dedicated as a park, you can not use the land for anything else. City Manager Westerholm stated that, as he remembered it, the motion was that the site be declared as a suitable site for development as a future City park.

Mayor Garrison stated that he remembered that the City Commission thought it was suitable and that when money was available, consideration would be given towards development of the site.

Commissioner Jack Gorden stated that he thought that the Parks Department was supposed to come up with a proposed plan within some period of time, and he understood that the Commission was going to move forward with it. Commissioner Gorden stated that he had requested at a previous meeting that the City stop dumping out there, but when he was at the park site recently, he noticed that there was material still being dumped and he would request again that the dumping stop. Commissioner Gorden stated that broken up street surfaces (concrete and asphalt) were the materials being dumped.

City Manager Westerholm stated that the materials were being used to cover the old filter bed.

Mayor Garrison stated that the City Attorney would like to make a statement in response to an article that had been in today's newspaper.

City Attorney Flournoy stated that he wanted to explain to the members of the City Commission an article that was in today's newspaper which made headlines that he really was not expecting. Mr. Flournoy stated that the Commission had directed the Police Department and his office to conduct the investigation on the Fire Department garage, and in that investigation it was necessary to take sworn statements from many individuals. Mr. Flournoy stated that the statements were taken on the basis that they were confidential when they were taken. Mr. Flournoy stated that everything possible was done in order to maintain the confidentiality of the statements for those individuals because it was a vital part of the investigation. Mr. Flournoy stated that copies of all those statements were apparently delivered by someone to the newspaper and this article says that he said that the City Commission leaked those statements to the newspaper and he did not say that. Mr. Flournoy stated that he had spoken with Joe Murray, and Mr. Murray agreed that he did not say that and hopefully he will make a retraction. Mr. Flournoy stated that he wanted to make it clear that he never said that the City Commission did that. Mr. Flournoy stated that the headlines of the article say that the City says "Paper Violated Law", and the City has not made that statement. Mr. Flournoy stated that when these statements were given to the Lufkin News, the Chief of Police went to the paper and advised them that these statements were confidential, and asked them what their intentions were. The newspaper would not say where the information came from or what they intended to do with it, and they knew the information was confidential. Mr. Flournoy stated that under Article 6252, Section 17-S, in his opinion, the law specifically provides that confidential information shall not be distributed. Mr. Flournoy stated that he did not believe that the newspaper had a right to publish any part or portion of those statements, which they did. Mr. Flournoy stated that when the committee finished the investigation they summarized what they thought the facts were and did not make those statements public because they were confidential and that the City would be violating the law to do so. Mr. Flournoy stated that, in his opinion, the investigation was hampered because the statements were made public. Mr. Flournoy stated that the staff had pretty well concluded their investigation, and when the statements were made public, they wrapped it up and made their evaluations.

Mr. Flournoy stated that yesterday he went to see Joe Murray because of his concern that the Lufkin News had printed the statements in violation of the law. Mr. Flournoy stated that he was not prepared to make any sort of allegation that the newspaper had violated the law. Mr. Flournoy stated that he wanted to know what the newspaper's opinion was, and if Mr. Murray would have their attorneys contact him they would talk about it, and if he was wrong about the law, he needed to know that, and certainly before any allegations were made. Mr. Flournoy stated that he had given a copy of the law to Mr. Murray, and he promised to send it to their counsel in Austin and try to get a response back immediately, and he would Federal Express it. Mr. Flournoy stated that he had no intention of bringing up the subject until he had some response from them about what the law was. Mr. Flournoy stated that that afternoon Phil Latham called to assure him that the newspaper would get the law and he told him that he did not intend to say anything until he had heard from the newspaper. Mr. Flournoy stated that Heber Taylor had called him early this morning and began to ask questions as though he didn't know what was going on. Mr. Flournoy stated that he had no idea that the paper intended to print any sort of a story. Mr. Flournoy stated that Mr. Taylor asked if he could say in his article that he might bring it up at the counsel meeting tonight. Mr. Flournoy stated that much of the article that was printed is not correct and leaves the impression that this City Commission has accused them of something, and that's not true.

Mr. Flournoy stated that he had gone to the paper so that this kind of problem would not happen again. Mr. Flournoy stated that this is the third time that he knows of that stories have gone to the paper of confidential nature and they have printed them. Mr. Flournoy stated that if this is a violation of the law there needs to be an understanding that it is a violation of the law and that it not occur again in the future. Mr. Flournoy stated that he made no accusation of filing any charges against the newspaper. Mr. Flournoy stated that from looking at the article, he doesn't believe that it is a fair reflection on the City. Mr. Flournoy stated that the newspaper had put in for people to call in or write in what they think about the newspaper's decision to print statements from the City's Fire Department investigation. Mr. Flournoy stated that it is a question of the law and not a question of fact, the newspaper is either entitled to do it or they are not. Mr. Flournoy stated that obviously individuals will not know what the law is.


Mr. Flournoy stated that he felt that he needed to explain to the City Commission that this is the way it happened and whatever the newspaper does with it from here is up to them.

Mr. Flournoy stated that at last meeting he was asked to contact Hoover Brothers regarding the seating in the Council Chambers. Mr. Flournoy stated that he had spoken with the firm and they assured him that the problem would be taken care of by Thursday of this week.

16. There being no further business for consideration, meeting adjourned at 7:25 p.m.

ATTEST:


Atha Stokes, City Secretary


Pitser H. Garrison, Mayor