MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17th DAY OF DECEMBER, 1991 AT 5:00 PM

On the 17th day of December, 1991, 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:

Louis A. Bronaugh	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Lawrence Young, Minister, Abundant Life United Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of December 3, 1991 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - GRADY W. LOWERY - RESIDENTIAL LARGE TO LOCAL BUSINESS, SPECIAL USE (HEALTH CLUB) - TULANE DRIVE NORTH OF LOOP 287 - APPROVED AS RESIDENTIAL LARGE, SPECIAL USE (HEALTH CLUB)**

Mayor Bronaugh stated that the first item for consideration was request of Grady W. Lowery for a zoning change from Residential Large to Local Business, Special Use (Health Club) on approximately 2.4 acres of land located on the west side of Tulane Drive approximately 1,200 feet north of Loop 287.

City Manager Maclin stated that a memorandum from the City Planner with a recommendation of approval by the Planning & Zoning Commission had been included in the Commissioner packets. City Manager Maclin stated that the recommendation is to change the zoning from Residential Large to Residential Large, Special Use (Health Club) with two conditions relating to lighting.

There was no opposition present.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that Ordinance for Zone Change from Residential Large to Residential Large, Special Use (Health Club) as requested by Grady W. Lowery for approximately 2.4 acres of land located on the west side of Tulane Drive approximately 1,200 feet north of Loop 287 be approved as presented. A unanimous affirmative vote was recorded.

5. **JOINT RESOLUTION - APPROVED - HIGHWAY DEPARTMENT DISTRICT OFFICE**

Mayor Bronaugh stated that the next item for consideration was authorization for the Mayor to participate in a joint Resolution in support of the Highway Department District Office to be maintained in Lufkin.

Mayor Bronaugh stated that when it was announced that the Highway Department was considering closing six of the District Offices, including District Eleven in Lufkin, the City Commission passed a Resolution along with the City of Nacogdoches, Angelina County, and DETCOG that was hand delivered to Mr. Arnold in Austin to ask that they not close District Eleven. Mayor Bronaugh stated that the decision has been made to close the District Eleven Office and he is asking that the City Commission allow him to sign a Resolution with Angelina County, Nacogdoches County and the City of Nacogdoches to again approach the Highway Department and ask them to reconsider their decision.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that authorization be granted to the Mayor to participate in a joint resolution in support of the Highway Department District Eleven Office to be maintained in Lufkin. A unanimous affirmative vote was recorded.

6. **PARTICIPATION SUPPORT - APPROVED - ANGELINA CHAMBER OF COMMERCE - STATE PRISON SITE - ANGELINA COUNTY**

Mayor Bronaugh stated that the next item for consideration was support for participation with the Angelina County Chamber of Commerce to bid for a State prison site in Angelina County.

Bob Brown, representing Angelina County Chamber of Commerce, stated that this is the third time that a bid has been proposed for a prison site in Angelina County. Mr. Brown stated that two years ago a representative from the Chamber came before the City Commission and asked that the City of Lufkin furnish water, sewer and a storage tank for the prison site, which was approved. Mr. Brown stated that he is before the Commission again requesting that the City of Lufkin extend their water and sewer lines and erect a 150,000 gallon storage tank on the site of the prison in the Rivercrest area. Mr. Brown stated that if the prison site is for a 1,000 bed facility, it will nearly pay for itself in water and sewer rates. Mr. Brown stated that if the prison site is for a 2,250 bed facility, it will cash flow. Mr. Brown stated that 315 jobs or 800 jobs would be a real boost in the area's economy. Mr. Brown stated that he went before the Angelina County Commissioner's Court last week and they pledged to buy the 300 acre site. Mr. Brown stated that the County has agreed to upgrade the County Road to a Farm-to-Market grade road with help from the State Highway Department and have an access road onto the prison site.

In response to question by Commissioner Mayberry, City Manager Maclin stated that if the City issues $1.6 million in revenue bonds it would cause (on a 20-year pay out) an increase of 2.6% in overall rates for water and sewer and would cause (on a 15-year pay out) a 3% increase in rates across the board based on a 6-6 1/2% interest rate. City Manager Maclin stated that on the 1,000 bed prison the revenue per year from water would be about $42,000 and the revenue from sewer would be about $62,000. City Manager Maclin stated that on the 2,250 bed prison the revenue would be about $75,000 per year in water fees and about $113,000 in sewer fees per year. City Manager Maclin stated that included in the proposal for solid waste is that the City would provide one 40 yard compacted container at a cost of approximately $12,400, but the prison would then pay the regular commercial garbage rate, the same as any other customer, including the mileage fee out there and back. City Manager Maclin stated that the solid waste will be self-sustaining based on the City's rates.

In response to question by Commissioner Mayberry, City Manager Maclin stated that the storage tank will not help with the water problems on Highway 59 South, but would be an additional storage tank, which was required by the bid.

In response to question by Commissioner Bowman that the rates for the last bid proposal for the prison site were calculated at 1 and 1/2 times the current rate charged by the City, City Manager Maclin stated that he was not here at the time and did not know the answer to that question.

Commissioner Mayberry stated that he had a problem with this bid proposal because, in his opinion, the City did not have the money to do this with, especially since we are facing some problems at the Wastewater Treatment Plant and the implementation of the Water Plant--$6 million and $6 million. In response to question by Commissioner Mayberry, City Manager Maclin stated that the only thing that was different from their conversation earlier in the day was the fact that he had not run the amortization charts at that time to give him that 3% increase in rates. City Manager Maclin stated that $11 per connection had been quoted but that this has no bearing on volume. City Manager Maclin stated that if you take the City's revenue for 1991-92, approximately $5.3 million in water and sewer revenues, to get the $140,000 per year for the note payment for the $1.6 million in debt, that would be about a 2.5% increase in those rates to satisfy that debt on a 20-year note. Commissioner Mayberry stated that he is aware that the City and County are trying to attract new industry but he still had a problem obligating the City to this project at this time.

In response to question by Commissioner Bowman, City Manager Maclin stated that people who are outside the City limits and are on the City water are charged 1 1/2 times the regular rate unless otherwise stipulated by the City Commission. Mr. Brown stated that he was before the Commission asking them to formulate the rates that will be charged. Commissioner Bowman stated that he would like for the City to be consistent with the rate and would rather see the rate be 1 1/2 times since the facility will be outside the City limits. Mr. Brown stated that charging 1 1/2 times the rates would probably be non-competitive with the other cities.

Commissioner Simond stated that in order to get jobs for this area the City of Lufkin will have to compete with other cities, especially since the Highway Department Office will be closing along with Lufkin Industries Trailer Division and possibly the State School.

Commissioner Gorden stated that he is in favor of making the same proposal as was previously submitted with the regular rate. Commissioner Roper stated that he would concur with Commissioner Gorden's statement. Commissioner Mayberry stated that his only problem is that the City's main obligation is to take care of what we have now plus what we know is on the horizon for the future. Commissioner Mayberry stated that he wanted the jobs but doesn't think it will make that much difference.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that the City of Lufkin participate with the Angelina Chamber of Commerce and Angelina County in the State prison bid at the same rate as was previously submitted.

The following bid was recorded:
Aye - Commissioners Boyd, Bowman, Roper, Gorden, Simond, Mayor Bronaugh
Nay - Commissioner Mayberry

Motion carried by a vote of 6 to 1.

7. **PROPOSALS - ARCHITECTURAL SERVICES - ELLEN TROUT ZOO ENTRANCE**

Mayor Bronaugh stated that the next item for consideration was proposals for architectural services at the entrance to Ellen Trout Zoo.

City Manager Maclin stated that in the budget discussions last summer the Commissioners had talked about a way for the Zoo to be able to collect an entrance fee in order to provide some support for repairs, renovations and upkeep of the Zoo. City Manager Maclin stated that in order to redesign the entrance where the Zoo can collect an entrance fee, funds were budgeted in this year's budget for that purpose. City Manager Maclin stated that we are now at the point where an architectural firm needs to be selected to provide the design and architectural services. City Manager Maclin stated that Zoo Director Gorden Henley has gone through the bid process with

Purchasing Agent David Cochran to receive proposals for these services. City Manager Maclin stated that several local firms had expressed an interest and had submitted proposals. City Manager Maclin stated that staff recommendation is to award the proposal submitted by Marsellos and Scott.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the proposal of Marsellos and Scott be accepted as submitted. A unanimous affirmative vote was recorded.

Commissioner Roper stated that he would like to amplify his support of this project under Mr. Henley's direction.

8a. BID - APPROVED - COPIER - POLICE DEPARTMENT - TRIAD

Mayor Bronaugh stated that the next item for consideration was bids for a copier to be used in the Police Department.

City Manager Maclin stated that bids were received from seven different companies. City Manager Maclin stated that included in the bid summary sheet is both the base price of the machine and the total three year operation and maintenance costs. City Manager Maclin stated that an evaluation table had been included in the packet where each of the factors that were considered were included, which was supplies, toner, drum replacement, maintenance, developer, etc.

City Manager Maclin stated that the best bid was submitted from Triad for a Mita copier in the amount of $10,595, which includes their three year total maintenance costs. City Manager Maclin stated that staff is asking the Commission to approve the low base bid of Triad in the amount of $6,995.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that the bid of Triad for a Mita copier in the amount of $6,995 be accepted as submitted. A unanimous affirmative vote was recorded.

8b. BID - APPROVED - JONES PARK PAVILION CONSTRUCTION - M & N ELECTRIC

Mayor Bronaugh stated that the next item for consideration was bids for the pavilion construction at Jones Park.

City Manager Maclin stated that staff had solicited bids on two other occasions and received no general contractor bids for this project. City Manager Maclin stated that the proposal received from M & N Electric in the amount of $9,404 is the low bid and staff is recommending that the Commission approve that bid for the construction of the pavilion at Jones Park. City Manager Maclin stated that this project is funded through a grant from TLL Temple Foundation.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry that bid of M & N Electric Company in the amount of $9,404 be accepted as the best bid. A unanimous affirmative vote was recorded.

8c. BID - APPROVED - CONTAINERS - S & S WELDING - RECYCLING DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was bids for containers to be used in the Recycling Department.

City Manager Maclin stated that staff is recommending that the low bid be awarded to S & S Welding in the amount of $56,510.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that the bid of S & S Welding in the amount of $56,510 be approved as submitted. A unanimous affirmative vote was recorded.

8d. BID - APPROVED - FRONT END LOADER - INDUSTRIAL DISPOSAL SUPPLY - RECYCLING DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was bids for a front end loader to be used in the Recycling Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Industrial Disposal Supply in the amount of $96,253. City Manager Maclin stated that this item is also funded through a TLL Temple Foundation Grant.

In response to question by Commissioner Gorden, City Manager Maclin stated that warranty work on the White truck would be done at the DuBose facility on Highway 94.

In response to question by Commissioner Simond, Mr. Cochran stated that IDS had given a verbal three-year warranty on the White truck.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that the low bid of IDS in the amount of $96,253 be approved contingent upon receiving a written three-year warranty on the truck. A unanimous affirmative vote was recorded.

8e. BID - APPROVED - GROUP HEALTH INSURANCE - WASHINGTON NATIONAL

Mayor Bronaugh stated that the next item for consideration was bids for group health insurance.

City Manager Maclin stated that determining the best bid in this instance was not a simple, clear cut choice from a standpoint of making a recommendation. City Manager Maclin stated that one thing that took place as recent as 3:00 p.m. this afternoon will have a bearing on the staff recommendation. City Manager Maclin stated that eight bids had been received and the top three bids were from the current carrier NEBA, TML and Washington National. City Manager Maclin stated that since these were the top three bids, based on combined costs, as well as other factors including administrative fees and yearly costs of fees, these bids were looked at a lot closer, and discussions were held with representatives of these companies. City Manager Maclin stated that when the Commissioner's packets were put together on Friday afternoon, the combined costs recommendation was for TML. City Manager Maclin stated that the current carrier, NEBA, had an excellent proposal in terms of their yearly costs on fees but their aggregate cap (or stop loss point) was about $90,000 higher. City Manager Maclin stated that when combined, NEBA still had a higher combined liability for the City based on 12-month worst case scenario.

City Manager Maclin stated that Washington National, who is represented locally through Gip Friesen and John Strain, had the best bid from the total standpoint of combined costs. City Manager Maclin stated that in their original submission proposal they included some underwriting assumptions. City Manager Maclin stated #16 of those underwriting assumptions excluded stop loss agreements for two City employees. City Manager Maclin stated that staff had a serious problem with that because that is why the City buys re-insurance so that we will not have to worry about a catastrophic claim--that is why we buy $25,000 stop loss and why we have a defined aggregate point. City Manager Maclin stated that by Washington National excluding these two employees--and they were the only one of the eight bids that did make this exclusion--it left the City with what he would define as a "bare exposure" for whatever may happen with those two employees in terms of some kind of catastrophic expense. City Manager Maclin stated that he received a fax letter from Paul Hemker, Manager of the Employees Benefits Division of Washington National, this afternoon and it deleted item #16 (Eliminations and Exclusions of their Underwriting Assumptions). City Manager Maclin stated that Washington National was the low bid and could accurately be determined as the best bid in terms of the needs of the City for third party administration. City Manager Maclin stated that with that exclusion of the two employees there was phenomenal risk in his definition to accept that proposal. City Manager Maclin stated that with this letter it puts a new light on their proposal in his opinion and so he deferred to the City Attorney for a legal opinion as to whether or not it would be acceptable to allow this modification to their bid. (Mr. Hemker presented a hard copy of the fax letter to the City Manager.)

City Attorney Flournoy stated that the question is whether or not this modification submitted at this point could actually be considered, and in trying to make a determination as to whether the City could legally consider it, and to look and see if anyone else could be hurt as a result of accepting this modification as proposed. City Attorney Flournoy stated that Washington National has the lowest bid to start with. City Attorney Flournoy stated that the City does not know the value, as originally proposed, of that exclusion on those two employees. City Attorney Flournoy stated that the difference between the low bid of Washington National on combined costs and TML which would be the next bid, is approximately $87,000. City Attorney Flournoy stated that all that has occurred by Washington National by taking the item #16 exclusion out is to enhance the low bid, and in his opinion, make it even a better bid. City Attorney Flournoy stated that he does not think that anyone can complain under those circumstances. City Attorney Flournoy stated that, in his opinion, Washington National can make this modification to their proposal.

City Manager Maclin stated that based on acceptance of that modification then Washington National would clearly be the most advantageous proposal from a cost standpoint to the City by providing the lowest combined worst case scenario liability on the part of the City for the next 12 months.

In response to question by Commissioner Bowman, City Manager Maclin stated that the rates that Washington National are proposing to fully insure the $115,787 represents approximately a 4% increase in current employee rates, a 21% increase in spouse rates, and a 9.3% increase in children's rates and a 5.6% increase in family rates. City Manager Maclin stated that compared to the rates suggested by some of the other carriers which ranged anywhere from a 10% to 83.6% increase on spouse, child or family rates. City Manager Maclin stated that basically the suggested fees are supposed to insure you to the maximum combined costs and since they have the lowest combined costs, you will have the lowest fees to meet that. City Manager Maclin stated that he and Commissioner Mayberry discussed on Friday the City's rates particularly from a dependent's standpoint and he has intentionally waited until next month to bring a recommendation to the Commission until the City has their full 12 months experience from NEBA to see how we are doing. City Manager Maclin stated that based on the first 10 months the City is loosing a little in dependent coverage. City Manager Maclin stated that staff has intentionally tried to hold the line on dependent care rates to protect the employees and their families because it is funded as a payroll deduction totally at the employee's expense in terms of dependent care. City Manager Maclin stated that Washington National's bid, because it is the lowest bid, would provide the least impact to the rates.

City Manager Maclin stated that staff visited with Mr. Friesen and Mr. Strain on Thursday morning at length about their bid and pointed out the fact that there was some concern about the exclusion. City Manager Maclin stated that they indicated that in the exclusion itself it said something to the effect that they wanted physician's statements to be evaluated by Washington National. City Manager Maclin stated that he relayed the information to Mr. Kemler this afternoon that staff still had a problem with the exclusion of these two employees.

City Manager Maclin stated that one way this could be avoided next year is to include in the bid specifications that any bids that exclude any employees will automatically be rejected.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner

Danny Roper that the proposal of Washington National be approved as the City's insurance administrator for a 12-month period starting January 1, 1992. A unanimous affirmative vote was recorded.

Robert Telford, representing NEBA, stated that he wanted the Commission to understand that in self-insurance there are hard costs, which will be paid regardless of what happens during the year. Mr. Telford stated that after three years with the City the hard costs that you know you will have to pay, NEBA is $11,000 a year cheaper than Washington National. Mr. Telford stated that he would like to express his appreciation to the City of Lufkin for the three years that NEBA served as the insurance administrator.

In response to question by Commissioner Mayberry, City Manager Maclin stated that as of January 1, the new company will handle all claims, since the City has a 12-12 policy.

THE CITY COMMISSION MEETING ADJOURNED AT 6:10 P.M. FOR A PUBLIC HEARING RELATING TO REDISTRICTING OF CITY WARD LINES AND RECONVENED AT 6:35 P.M. TO CONSIDER THE FOLLOWING ITEMS:

8f. BID - APPROVED - SEWER SYSTEM - POLICE DEPARTMENT - ANGELINA CONCRETE

Mayor Bronaugh stated that the next item for consideration was the bid for a sewer system at the Police range.

City Manager Maclin stated that staff recommendation is to accept the bid of Angelina Concrete in the amount of $2,975.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that bid of Angelina Concrete in the amount of $2,975 be accepted as submitted. A unanimous affirmative vote was recorded.

9. COMMENTS

City Manager Maclin reminded Commissioners of the DETCOG meeting to be held in Jasper on Thursday. City Manager Maclin stated that Mayor Bronaugh's daughter, Belinda, would be providing the entertainment for the program.

10. There being no further business for consideration meeting adjourned at 6:40 p.m.

Louis A. Bronaugh
Louis A. Bronaugh - Mayor

ATTEST:
Atha Stokes
Atha Stokes - City Secretary

CALLED CITY COMMISSION MEETING
PUBLIC HEARING
DECEMBER 17, 1991 AT 6:00 P.M.

On the 17th day of December, 1991, the City Commission of the City of Lufkin, Texas, convened in a called meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis Bronaugh	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6

being present when the following business was transacted.

1. Meeting was called to order by Mayor Louis Bronaugh at 6:10 p.m.

2. REDISTRICTING OF CITY WARD LINES - DISCUSSED

Mayor Bronaugh stated that the Commission would now consider matters relating to redistricting of City Ward lines.

Mayor Bronaugh stated that Dr. Leon Hallman and Dr. Ronald Claunch were present to present this item to the Commission.

Dr. Hallman stated that he thanked the Commission for the opportunity to be of service to the City of Lufkin in a redistricting project. Dr. Hallman stated that the Public Hearings should consist of three parts--the first part being a declaration as to whether or not redistricting is in fact necessary for the City of Lufkin. Dr. Hallman stated that he had distributed to members of the Commission statistical tables for the total population using 1990 census for the City of Lufkin and a second table of the voting age population for the City also based upon the 1990 census. Dr. Hallman stated that the transparency being shown was the same table that was before the Commission. Dr. Hallman stated that he would discuss the statistics first and the second part of the Public Hearing would be an explanation of the criteria that any redistricting project must follow, and the third part of the Public Hearing would be input from the community including the Commission on suggestions relative to redistricting.

Dr. Hallman stated that the total population for the City of Lufkin as of the 1990 census is 30,302 persons. Dr. Hallman stated that this is the official population total that must be used for analysis of existing plans and/or any proposed plans. Dr. Hallman stated that in the total column there are 19,000 whites, which is 62.7% of the City of Lufkin; there are 8,106 blacks, which is 26.8% of the City of Lufkin; there are 2,911 hispanics, which is 9.6% of the City of Lufkin; and 285 others which includes Asians, American Indians, etc. , which is .9% of the City of Lufkin. Dr. Hallman stated that the last figure on that line is 112.4, which is the variance for the existing plan. Dr. Hallman stated that the Department of Justice and the Federal Courts allow nothing in excess of 10%, so the initial and first statement to be made is that the existing plan is out of compliance with all criteria.

Dr. Hallman stated that Wards 1, 2 and 3 are substantially under populated; Ward 4 is way over populated, being 77% too many people; and Wards 5 and 6 are relatively close. Dr. Hallman stated that the way the total variance is calculated is to take the Ward that is over the most, the Ward that is under the most, and add those two together. Dr. Hallman stated that by so doing you get 112.4%. Dr. Hallman stated that in the lower left hand corner of the page is the ideal, which means that each of the six Wards should have 5,050 persons. Dr. Hallman stated that the Department of Justice is concerned with the one-man one-vote concept but the Department of Justice also evaluates the plan using voting age population as an additional tool. Dr. Hallman stated that the second table analyzes the voting age population for the City's existing plan. Dr. Hallman stated that Ward 1 has 67% black population; Ward 2 has 50.7% black population. Dr. Hallman stated that if you will compare those totals with the black percentage in the first table there is relatively little difference. Dr. Hallman stated that nationwide the average of all minorities generally is about 5% less when you look at voting age population to total. Dr. Hallman stated that in the case of Lufkin there is relatively little drop--2%--for Ward 2 and an actual increase in Ward 1. Dr. Hallman stated that Lufkin is not following the national averages. Dr. Hallman stated that in terms of the raw statistics, the existing plan needs to be adjusted in order to meet the one-man one-vote concept and at the same time there are criterions that would need to be followed in order to comply with the Department of Justice coming out of the 1965 Voter's Act which effects Texas relative to minorities.

Dr. Claunch stated that basically there are three criterions that the City of Lufkin needs to be concerned about, and they are:

(1) In redesigning the Single Member Districts, there is the one-man one-vote standard, which essentially says that the Single Member Districts have to come close to that ideal population of 5,050. Dr. Claunch stated that the Courts and the Department of Justice do allow variance and that variance can be no more than 10% from the least populated to the most populated. Dr. Claunch stated that as an example if the City was to have one District with the ideal population of 5,050 and that were to be the lowest populated, the City could have one District that would be 10% above that figure. Dr. Claunch stated ideally what generally happens is that you would try to have several Districts that were under populated just a little and several Districts that were over populated. Dr. Claunch stated that the City has two Districts that are between 6 and 7%, and that is as close as you come. Dr. Claunch stated that those 6 Districts have to be brought closer to population equity.

(2) Dr. Claunch stated that in the second criteria, in redrawing of the districts, there cannot be a dilution of the voting strength of voting minorities. Dr. Claunch stated that a particular concern here is that the current plan does provide for two Single Member Districts with a black majority and it would be encumbent upon he and Dr. Hallman and the City

Commission and the community to try to come as close to that as possible. Dr. Claunch stated that the reality of the situation is that this will be a difficult task. Dr. Claunch stated that he anticipates, even though they have not done any work on coming up with new District lines, that there is the distinct possibility that those current black percentages will not be realized and will not materialize in the new proposed plan. Dr. Claunch stated that their objective will be to do whatever is necessary to get to that percentage, or if possible to exceed it, but this will be difficult. Dr. Claunch stated that he and Dr. Hallman are familiar with Lufkin and the population statistics here, and think this will be a difficult job, but that is what is required.

(3) Dr. Claunch stated that the third criteria almost seems to be a minor consideration, but needs to be mentioned. Dr. Claunch stated that the Courts and the Department of Justice also will expect that each of the Districts will in fact be compact and contiguous. Dr. Claunch stated that what that really means in a practical sense is that all of the territory within a District has to be geographically attached. Dr. Claunch stated that it is incumbent that Public Hearings are held and that there is public responses. Dr. Claunch stated that once the Commission approves a particular plan, the plan does have to be submitted to the Department of Justice for their approval--the Department of Justice has 60 days after receiving all of the material to pre-clear that particular plan. Dr. Claunch stated that that Plan cannot be used for electoral purposes until it has been pre-cleared by the Department of Justice and because of the date we are having this particular meeting and the amount of time it will take to prepare a plan and go through all of the legal steps, he does not anticipate that there would be any way to gain pre-clearance to use the newly adopted plan for the 1992 election.

Dr. Claunch stated that he would now welcome input and suggestions from members of the audience and members of the Commission.

Mayor Bronaugh asked if there was any input from the audience. There was none.

In response to question by Mayor Bronaugh, Dr. Claunch stated that after tonight's Public Hearing the next step would be for he and Dr. Hallman to take the census statistics and go to work to come up with a plan that meets all the legal criteria and when that plan is completed they would then report back to the City Manager and a time would be set for a presentation to the City Commission of a proposed plan. Dr. Claunch stated that the City Commission would then call a Public Hearing to receive public response and then the Commission would take whatever action that they deem to be appropriate and that could be on the basis of the public comments or on the basis of the response that the Commissioners actually have to the plan as far as some kind of revisions. Dr. Claunch stated he and Dr. Hallman see their role as guiding the Commission into a legally acceptable plan and would be looking at any changes requested with instructions from the Commission as long as they still allow them to meet the other legal guidelines.

Mayor Bronaugh asked if there was any comment from the public. There was none.

In response to question by Commissioner Mayberry, Dr. Claunch stated that the plan will be available for the 1993 election.

In response to question by City Manager Maclin, Dr. Hallman stated that if the two Commissioners who are up for election in 1992 have their Ward lines changed in 1993 and no longer live in their respective Wards they will still serve out their terms. In response to question by Mayor Bronaugh, Dr. Hallman stated that it is possible under one scenario that because of the new plan that was adopted two Commissioners might live in the same Ward and none would live in one of the Wards. Dr. Claunch stated that the candidates for the new Commissioners Ward would in fact have to be residents of that new area to be able to run for election or re-election. Dr. Claunch stated that they are allowed to all serve out their terms but when they run for re-election they would have to be residents of that particular Ward.

In response to question by City Attorney Flournoy, Dr. Claunch stated that he reread the Court Order today and there is not any reference in the Court Order mandating the City to redistrict. Dr. Claunch stated that he and Dr. Hallman would defer to Mr. Flournoy as the City Attorney as to whether the plan should be submitted to Judge William Wayne Justice.

Mayor Bronaugh closed the Public Hearing.

Dr. Hallman stated that he and Dr. Claunch have recently completed redistricting work for the Lufkin Independent School District and for Angelina County, which would obviously effect the City, and they feel that they are fairly familiar with the City and can anticipate where some of the changes will occur.

3. There being no further business for consideration, meeting adjourned at 6:35 p.m.

Louis A Bronaugh
Louis Bronaugh - Mayor

ATTEST:

Atha Stokes
Atha Stokes - City Secretary