

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF JANUARY, 1986, AT 5:00 P.M.

On the 21st 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 Rev. Dale McClaflyn, Minister, Bethel Church of Nazarene, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of January 7, 1986, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION & PERMANENT ZONING - OLD UNION ROAD

Mayor Garrison stated that it was necessary for the Commission to have another Public Hearing on the request for Annexation and Permanent Zoning of an area North of Old Union Road and South of Texas South-eastern Railroad Line, West of Largent, and East of Hudson City Limits. Mayor Garrison stated that a Public Hearing had been conducted previously on this property but due to an error in non-compliance with the law regarding annexations it was necessary to begin the annexation process again with another Public Hearing.

Mayor Garrison stated that Mr. William C. Long was present and his objections to the annexation were already a part of the record as stated at the previous Public Hearing. Mr. Ben Newsom stated that he was not violently opposed to the annexation but did not desire to be annexed into the City. Bobby Mott, who lives on Old Union Road and is already in the City limits, stated that he would like to make the Commission aware of the fact that there are a number of nice residential homes in the area and he would like to see the property annexed as Residential Large in order to maintain the atmosphere of residential living. Travis Fuller stated that he would like to request that his property be left out of the annexation, but if it were annexed he wanted to have the front portion annexed into the City as Commercial. Mr. Fuller stated that the Notice of Public Hearing which appeared in the newspaper stated that residents could attend this Public Hearing and make their preferences known as to zoning requests and he was requesting his property be annexed as Commercial.

In response to question by Mr. Fuller, Mayor Garrison stated that the City had three years in which to make City services available to

residents and if they were not available in this period of time then residents had the privilege of petitioning for de-annexation.

Mayor Garrison closed public hearing due to lack of discussion.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that First Reading of Ordinance for Annexation and Permanent Zoning of area North of Old Union Road and South of Texas Southeastern Railroad Line, West of Largent, and East of Hudson City Limits Line be heard at the February 18th meeting of this Commission. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - DALE STUBBLEFIELD - 1306 N. MEDFORD - C TO C, SU (DAYCARE) -

Mayor Garrison stated that at last meeting of this Commission an Ordinance was unanimously adopted for a Zone Change Request by Dale Stubblefield covering property located at 1306 N. Medford from Commercial to Commercial, Special Use (Daycare) and was now being presented on Second and Final Reading.

Commissioner Lynn Malone stated that at last meeting he had expressed concern for the safety of children to be kept in the daycare center. Commissioner Malone stated that this was the first daycare center he knew of that was located on a busy thoroughfare such as Loop 287. Mrs. Susie Wall, who will operate the daycare center, stated that the front door will be kept locked at all times for the safety of the children.

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 - APPROVED - SECOND READING - ZONE CHANGE REQUEST - R. L. CUNNINGHAM, RECEIVER - MEDFORD BETWEEN PAUL & LUFKIN AVENUE RL TO C

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

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

7. CABLE TV REPORT - WAYNE NEAL

Mayor Garrison stated that the Commission had asked Mr. Wayne Neal as a representative of the Cablecom Company to make some comments in light of the report that had been given by Merl Saxon and his assistant, Mike Mead.

Mr. Neal stated that his company had taken the options that Mr. Mead had recommended to the Commission, and had estimated the cost of doing each one of the options and he had brought a copy of this information to City Manager Harvey Westerholm this morning. Mr. Neal stated that his company had taken each option, A through E, and using Mr. Mead's report they had broken the options into estimated rain outages and also the amount of improvements the options would improve the system. Mr. Neal stated that he had broken down the time per year that that percentage would relate to and also the capital cost that Cablecom would be investing into this job. Mr. Neal stated that they had also broken down a cost per customer per month for the improvements which would mean a rate increase for the consumer in Lufkin to pay for this investment. Mr. Neal stated that Option A was Cablecom's existing system and Mr. Mead had estimated that out-

ages due to rain were 6.95 hours per year. Mr. Neal stated that the system as it was designed according to that estimate is running 99.92 percent reliability in relation to rain phase. Mr. Neal stated that Option B on the report was replacing the antennas with 10' antennas and neither Mr. Mead nor Cablecom think that this would be a good idea and in fact could cause some other problems and the investment of \$165,000 to gain 46 minutes per year would not be a good deal. Mr. Neal stated that Option C is replacing the existing raytheon tubes in the microwave with varian tubes and in a study which had cost Cablecom \$70,000 it was determined that the varian tubes were the best alternative to help with the problem. Mr. Neal stated that the cost of the varian tubes would be \$26,572 and would gain one hour and 11 minutes in rain outage time per year and would cost the customer 5 cents per month had they passed this cost onto the consumer. Mr. Neal stated that in an effort to improve the system and do the best possible job for the City, Cablecom had absorbed this cost for the improvements. Mr. Neal stated that one of the units had been ordered in March, 1985 and another one had been ordered in November and that they have been installed and are running and doing the job that Cablecom felt they would do. Mr. Neal stated that another 13 units are on order. Mr. Neal stated that Option D on Mr. Mead's report refers to a piece of equipment known as a TWT amplifier and his company has not been able to find a place where this equipment is available. Mr. Neal stated that Cablecom could put in a TWT radio which is basically the same design but would cost approximately \$600,000 to get the equipment into their system and running which would gain an hour and 39 minutes and would cost the consumer in Lufkin an additional \$1.14 per month. Mr. Neal stated that Option E was the use of LNA amplifiers and that after the varian tubes are all installed, the LNA's would be a good possibility for Cablecom to look at and see if they could be installed. Mr. Neal stated that there would be a problem with putting the LNA's up on top of the towers but that is where they need to be technically to do the job they are designed to do. Mr. Neal stated that if one of the LNA's go out then a man has to climb a 400' tower in the middle of the night or wait until the next morning to make the necessary repairs.

Mr. Neal stated that Cablecom has spent a lot of money on the system and has tried to provide good service to the people of Lufkin. Mr. Neal stated that Cablecom is in the process of installing a 30 KW generator out at their head-in and if there is an electrical power failure on that side of town and would normally knock out the whole system this generator would come on automatically and continue to provide cable to the people who have electricity.

Mr. Neal stated that in his opinion the complaints about the microwave increased when the company changed from NBC to ABC. Mr. Neal stated that Cablecom had always been in a situation where they had a network from Houston off of the microwave and a network of that same type off the air. Mr. Neal stated that if you were watching Channel 11 and it went out for a few minutes you could turn to Channel 12 and could continue watching that same network. Mr. Neal stated that if Cablecom loses the microwave they also lose the NBC station. Mr. Neal stated that he could not guarantee that reception would always be good because his Company would be picking up the Beaumont station off the air, but it would be an improvement over Channel 3. Mr. Neal stated that Cablecom has grandfathered a lot of their copyrights by carrying channels a long time and if they drop one of these stations and pick up a new channel they will be incurring an \$11,000 expense just for copyright fees. Mr. Neal stated that for 11 cents per customer per month Cablecom could take Channel 3 out of Shreveport off and replace it with Channel 4 out of Beaumont and Cablecom subscribers would have an NBC station if the microwave goes out for a few minutes.

Mr. Neal stated that the basic cable in Lufkin at present is \$7.87 per customer and it would be increased to \$7.98, and that would gene-

rate enough revenue to pay for the copyright. Mr. Neal stated that the \$11,000 would be a yearly fee for the copyright.

In response to question by Mayor Garrison, Mr. Neal stated that he would save very little by eliminating Channel 3 out of Beaumont as the copyright fee is only about \$300-\$400 a year.

Mayor Garrison stated that he was of the opinion that the City could do better and he would like to cancel the contract and then Cablecom could submit a proposal along with other companies for cable service to Lufkin. Mayor Garrison stated that City Manager Harvey Westerholm and City Attorney Bob Flournoy would be attending a cable systems seminar in Austin on Friday. Mayor Garrison stated that he would like to have a special meeting with the council before the notice time goes out with Cablecom. Mayor Garrison stated that he had hoped the City could get a better microwave.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh authorizing City Attorney Bob Flournoy to prepare an Amendment to the Ordinance authorizing Cablecom to change from Channel 3 in Shreveport to Channel 4 in Beaumont (NBC station) and increase the monthly rate by 11 cents to local subscribers. A unanimous affirmative vote was recorded.

Mayor Garrison stated that unless the City gives notice of cancellation before February 2nd, the Cablecom contract stays in place for another 5 years and then it expires by it's own terms.

Commissioner Jack Gorden stated that if anything pertinent comes out of the TML seminar in Austin then the Council could call a special meeting.

8. AUDIT REPORT - APPROVED

Mayor Garrison stated that audit for the fiscal year 1984-85 that ended on the last day of September had been completed by the auditors Alexanders & Rogers and the Commission had received the report at last meeting but had not been received in time to really digest same and the report had been postponed until this meeting.

Commissioner Lynn Malone stated that he had noted that the computer program manuals were not up-to-date and would like to know why this problem exists. Ted Langford of Alexander & Rogers stated that the problem was not that the manuals were not being kept but rather how the programs are being constructed, the point being that if the City were to hire a new programmer in the Data Processing Department they could get into difficulty in reconstructing or adding to the present program. Mr. Johnson stated that the programming that the present programmer has done needed to be better documented. City Manager Westerholm stated that the staff had requested Phillip Fenley to document this particular program and any other programs that should be brought in so that the City would know exactly what was going on.

Commissioner Malone stated that he was also interested in the Court installment payments. City Manager Westerholm stated that the City had established a written policy on how people can pay their fines. City Manager Westerholm stated that some people cannot pay all of their fine at one time so the Judge has established a policy and it is on file and will apply to anyone who needs to pay out a fine.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that he did not feel that the staff would have any problems in bringing the suggested changes into compliance. Commissioner Foley stated that he would like to see all of the suggestions made by Alexander & Rogers brought into compliance and at the end of

a six month period he would like to have City Manager Westerholm bring back a report to the Commission regarding same.

Commissioner Don Boyd stated that he would like to see a copy of the written policy regarding the payment of fines in Municipal Court. Commissioner Lynn Malone stated that he too would like to see the written procedure for the payment of fines.

Commissioner Percy Simond stated that in his opinion it would create a lot of bookkeeping on the part of the Municipal Court clerks in posting \$2 payments towards a large fine.

City Attorney Bob Flournoy stated that someone had to make some judgment calls as to each individual's situation and in his opinion the Judge would be the person to do so. City Attorney Flournoy stated that he did not know how a City could have a written policy regarding the payment of fines since each situation is different, and it was up to the Judge to decide each individual case. City Attorney Flournoy stated that in his opinion a written policy was not a good idea. Ted Lankford stated that the possibility of discriminatory action being brought against the City prompted the auditors to suggest a written policy.

Mayor Garrison stated that he would like for Ted Lankford and his firm to take a look at the policy the City has written and give consideration as to whether it met with their standards.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that audit report be accepted as presented. A unanimous affirmative vote was recorded.

9. BID - APPROVED - POLICE VEHICLES - GREATER LUFKIN FORD COMPANY

Mayor Garrison stated that at last meeting of the Commission bids had been received on several vehicles for use in the Police Department. Mayor Garrison stated that since the Chief had expressed some concern over trouble with the vehicles which were the same make as the low bid there had been some thought that the Commission might not accept the low bid. Mayor Garrison stated that under the law the Commission cannot reject the low bid without first visiting the company that made the bid and get their comments. Mayor Garrison stated that Terry Morrow from Morrow Buick-Pontiac-Dodge had submitted the low bid and was appearing in representation of same.

Mr. Morrow stated that he appreciated the privilege of being able to speak to the Commission. Mr. Morrow stated that his company had been very aggressive in bidding on the City's vehicles over the years. Mr. Morrow stated that his company had been the low bidder in previous years and he would like the Commission to know that he was not in the business of bidding on the vehicles for profit, but for the exposure his company got as a result of having the City purchase his product. Mr. Morrow stated that when the local people see a policeman driving his product they perceive this as a good value. Mr. Morrow stated that in regard to the current bids he had bid according to the specs with no deviations and had been the low bidder. Mr. Morrow stated that then his company was informed that the City was saying they had trouble with his product in the past and according to his recollection only one vehicle had been brought in for service to the K-frame and this particular vehicle had been hit very hard. Mr. Morrow stated that if his product was unacceptable he did not know why the City had let him go through the bid procedure. Mr. Morrow stated that the press was present and the rejection of his bid would be publicized and he considered that to be bad exposure for his company. Mr. Morrow stated that the Chrysler Company had wanted him to state that the rejection of the bid was slanderous but he preferred to use the term "bad exposure". Mr. Morrow stated that if the City had made him aware

of the possibility of rejection of the bid going into the bid process perhaps his company would not have submitted a bid. Mr. Morrow stated that the rejection of his bid also takes away incentive for future bidding. Mr. Morrow stated that the Texas Department of Public Safety had just purchased 300 vehicles, Texas Parks & Wildlife had purchased 100 vehicles and the City of Houston had purchased 600 Dodge products and these were all repeat customers. Mr. Morrow stated that he would like the Commission to reconsider and accept his low bid.

In response to question by Mayor Garrison, Mr. Morrow stated that as a dealer he would not be willing to replace the defective parts if a problem arises but he would ask Dodge to and would ask for a policy adjustment, but he could not guarantee that they would do it. Mr. Morrow stated that the particular Dodge vehicle that was brought in previously for repairs had received a bad hit to the undercarriage and was not a parts failure.

In response to question by Commissioner Don Boyd, Chief Latham stated that the reason his Department did not take other vehicles which were experiencing problems to the dealership was that the vehicles were out of warranty. David Carter, fleet supervisor for the Department, stated that the cars go through a lot of rough treatment and that the suspension system on the cars will not hold up under the rough treatment these cars must endure.

Mr. Morrow stated that he appreciated the opportunity to come before the Commission and speak and he would like to be able to bid on the Police vehicles next year.

In response to question by Mayor Garrison as to how many of the Chrysler products the Department had had problems with, Chief Latham stated that he had experienced problems with almost all of the vehicles but in varying degrees, some being worse than others.

Chief Latham stated that the Department had encountered more problems with the Chrysler vehicles that had been driven for a period of two years.

Mayor Garrison stated that he was sympathetic with Mr. Morrow's comment that this gives his company bad advertising and he could see Mr. Morrow's sensitivity toward the product that he makes his living from.

In response to question by Commissioner Pat Foley, David Carter stated that the warranty on a police package for the vehicles is 12,000 miles.

In response to question by Commissioner Don Boyd, David Carter stated that of the 9 Dodge products purchased last year 8 were put on patrol and at the present time one was in the front end shop. Mr. Carter stated he had experienced problems with all the cars except the supervisor's car which only had 20,000 miles registered. Mr. Carter stated that in 1982 the Department had used Ford vehicles and there had been some problems with the transmission in these vehicles.

Commissioner Malone stated that several of the patrolmen had stated that they would not like to see the City purchase the Chrysler products.

Mayor Garrison stated that perhaps the Commission could justify dividing the bid and seeing how the different products perform, but under the present bidding practice he did not know if this would be acceptable.

In response to question by Commissioner Percy Simond, David Carter stated that a transmission would cost from \$300-\$400 and the Depart-

ment has spent up to \$1,500 on the front end repairs depending on the extent of the problem.

Commissioner Foley stated that he would like to see a log of the repairs on the various makes of vehicles that the Department had used in the past and have this information reported back to the Commission at next meeting.

Mayor Garrison stated that he was inclined to go with the low bid and then take a more careful look at future bidders.

Commissioner Jack Gorden stated that he regretted that the bid had not been handled in a different manner and wished that the Commission had been aware of problems with the vehicles sooner.

Motion was made by Commissioner Lynn Malone and seconded by Commissioner Jack Gorden that the Council accept the bid of Greater Lufkin Ford Company. The following vote was recorded - Aye - Commissioners Bronaugh, Gorden, Malone, Boyd, Simond, Mayor Garrison Nay - Commissioner Pat Foley Mayor Garrison declared that the motion carried by a vote of 6 to 1.

10. CITY'S PRE-TREATMENT PROGRAM

Mayor Garrison stated that the Commission now had for consideration a Notice of Hearing on the City's Pre-Treatment Program.

City Manager Harvey Westerholm stated that the sewer superintendent, Bobby Mott, had attended an EPA conference and had learned that once a year the City has to allow for public participation in the activities of the Pre-Treatment Program for the publicly owned treatment works. Bobby Mott stated that the law was passed in accordance with the Clean Water Act in 1980 and had gone through a number of revisions and was officially passed in 1982. Mr. Mott stated that the City had not participated before because we have just recently implemented the Pre-Treatment Program and have just had a 12 months audit by State and Federal agencies last week and one of the requirements is that the public be allowed to participate. Mr. Mott stated that it had been a recommendation of the Federal agency that a board be appointed and he had taken this request to City Manager Westerholm. City Manager Westerholm stated that when there is a violation of a permit it would be necessary for the violator to go before the board to have a hearing and whether or not a recommendation should go to the EPA, and whether the company should be fined or filed on.

Mr. Mott stated that it allows the industry to have the opportunity to an impartial review to any kind of action that might be taken against them by the City staff.

City Manager Westerholm stated that the Notice of Hearing requirement had been fulfilled just by having it on the agenda and given notice in the paper that anyone could come in and question the Pre-Treatment Program, which was the main thrust of the requirement. City Manager Westerholm stated that he did not think anyone was present to protest or ask questions and the City had fulfilled their requirement.

Mr. Mott stated that in his letter to City Manager Westerholm he had suggested that Ron Wesch, Floyd Long, Kenneth Vann, Charles Duke, Ed Wareing and Sam Griffin be appointed to the board.

In response to question by Commissioner Percy Simond, Mr. Mott stated that he had chosen people from the City staff because he wanted someone who was knowledgeable in pollution and the impact of pollution on the environment. Mr. Mott stated that in his opinion it would be a tremendous orientation program if an average person was selected off

the street to serve on the board. Mr. Mott stated that it would be a very lengthy learning process the average person would have to go through to adequately assess the impact of any type of environmental pollution.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the City was simply a policing agent of the significant contributors of our sewer plant and the board will be looking at those industries that have permits and have Pre-Treatment Programs and if they violated their permits then they would come before the board and the board would make a decision or have a hearing for them.

Mayor Garrison stated that in his opinion the board would not have any authority other than to gather evidence, and would not have the authority to punish or fine a violator.

Commissioner Don Boyd stated that he would like to make the suggestion that the appointment of a board be postponed until more information is available.

Bobby Mott stated that the violators of the Pre-Treatment Program would not be anyone who dumped a pollutant into a stream but rather would be one of the 11 firms who have been issued a permit.

Mr. Mott stated that this was a review board and would not have citation powers unless the Commission so desired.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that consideration of the appointment of this board be deferred until next meeting of the Commission. A unanimous affirmative vote was recorded.

11. EXTRA-TERRITORIAL JURISDICTION - TABLED - CITY OF HUDSON

Mayor Garrison stated that the Commission had a request to relinquish some of the City's Extra-Territorial Jurisdiction in favor of the City of Hudson. Mayor Garrison stated that this request was related to a request by Joe E. Clark who was not present to represent same. City Planner Nick Finan stated that since the actual request had been submitted by the City of Hudson and Mr. Clark had a prior commitment he had told Mr. Clark it was not necessary for him to attend tonight's meeting.

City Manager Westerholm stated that one of Mr. Clark's problems in developing this property was that he had two different subdivision ordinances to go by to develop the same piece of property that was split between the two ETJ's.

Commissioner Don Boyd stated that in his opinion it was necessary for Mr. Clark to be present in order to explain his request to the Council.

City Attorney Flournoy stated that in his opinion Mr. Clark's primary concern was to get sewer for the property and the City will not furnish this service outside the City limits and Hudson has agreed to furnish sewer. City Planner Finan stated that Hudson will furnish sewer outside their City limits but under State statutes they cannot annex in or go into the City's ETJ without the City's approval.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that item be tabled until next meeting of the Commission when the proponent could be present. A unanimous affirmative vote was recorded.

In response to question by Commissioner Louis Bronaugh, City Attorney Flournoy stated that Mr. Clark will be able to develop his land if the Commission denies the request for relinquishing the ETJ but he cannot get sewer. City Attorney Flournoy stated that Hudson could extend sewer outside their City limits but not outside their ETJ.

City Planner Finan stated that when he talked with the Texas Department of Community Affairs they said the best action to take if they wanted services and we were not ready to make them available the City could draw up an apportionment agreement between the two cities relinquishing a portion of Lufkin's ETJ so they could get the services Hudson offers.

12. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - SEWER PLANT

Mayor Garrison stated that the Commission now had for consideration authorization of Certificates of Obligation to finish out the sewer plant.

City Attorney Flournoy stated that he had gone over the Ordinance and found it to be in order.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Ordinance be approved on First Reading as an emergency measure. A unanimous affirmative vote was recorded.

In response to question by Commissioner Simond, Mayor Garrison stated that the reason this \$200,000 had not been included in the original amount of \$3.4 million was because this was the amount which went over due to the problem the City had incurred in the bidding.

In response to question by Commissioner Simond, Tom Wolf of First Southwest stated that it will cost between \$8,000-\$9,000 for legal fees, bonding expenses, etc. Mr. Wolf stated that he had sent a letter to the City Manager suggesting that this smaller amount be privately placed in line with the market.

13. LAKE STREET - RENAMED - MARTIN LUTHER KING DRIVE

Mayor Garrison stated that the Commission now had a request by Commissioner Boyd to place on the agenda a suggestion to rename Lake Street to Martin Luther King Drive.

Commissioner Boyd stated that in talking with local citizens and members of the NAACP they had agreed that Mr. King had done a lot for the United States of America regardless of color, race or creed and they would like to honor him by naming a street in the City of Lufkin for him. Commissioner Boyd stated that yesterday had been Mr. King's birthday and he regretted that the renaming of a street in his honor had not been taken care of sooner.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that Lake Street be renamed to Martin Luther King Drive. A unanimous affirmative vote was recorded.

14. RESOLUTION - APPROVED - FEBRUARY, 1986 - ANTI-APARTHEID MONTH

Mayor Garrison stated that the Commission now had for consideration a proposal from Commissioner Percy Simond requesting that the Commission pass a Resolution designating February as Anti-Apartheid month in Lufkin.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Resolution designating February, 1986 as Anti-

Apartheid Month in Lufkin be approved as presented. A unanimous affirmative vote was recorded.

15. ELECTION ORDER - APPROVED - APRIL 6, 1986

Mayor Garrison stated that on April 5, 1986 there would be a City election in which a Commissioner from Ward #1 and a Commissioner from Ward #3 would be elected. Mayor Garrison stated that the Ordinance of Election proposed that the polling box for Precinct #1 would be at the Civic Center Annex with Archie Cornish as Judge and the polling box for Precinct #3 would be at Coston School with Mertie Prescott as Judge.

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

16. INVOICE - APPROVED - MERL SAXON

Mayor Garrison stated that the Commission now had for consideration an invoice from Merl Saxon for a survey of the Cablecom System he conducted for the City.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that invoice in the amount of \$3,067.51 be approved as presented. A unanimous affirmative vote was recorded.

17. INVOICES - APPROVED - ALEXANDER & ROGERS

Mayor Garrison stated that the Commission now had for consideration invoices for the audit report from Alexander & Rogers, Inc.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that invoices in the amount of \$3,781.72 and \$6,659.72 be approved as presented. A unanimous affirmative vote was recorded.

18. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES - STEP 3
BID AND CONSTRUCTION

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith & Associates for engineering services on the Interceptor construction work.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that invoice in the amount of \$7,740.51 be approved as presented. A unanimous affirmative vote was recorded.

19. TRAFFIC SIGNALS - TABLED - FRANK & WEBBER

Mayor Garrison stated that the Council had a request from some of the people who live in the area for signals to be placed at the intersection of Frank and Webber Streets. Mayor Garrison stated that a letter from the Highway Department authorizing and recommending that actuated signals be installed at this intersection had been included in the Commission packets.

Mayor Garrison stated that the cost of putting signals at this intersection would cost approximately \$25,000 and he questioned spending this amount of money when it was not an emergency. Mayor Garrison stated that in the Highway Department's report it stated that there had been four accidents at this intersection in 1984 but in putting a signal at this intersection could also increase the number of accidents for the first few years.

Commissioner Louis Bronaugh stated that a number of people had talked to him about the situation and the problem they were having was not with the traffic but with large trucks pulling out into the intersection. Commissioner Bronaugh stated that rather than put a signal at the intersection the Highway Department stated to him that a better solution would be in keeping the trucks off of Frank Avenue and making a way for them to get onto the Loop. Commissioner Bronaugh stated that some of the larger companies operating in the area might be interested in opening up a back road from Borden Street coming onto the Loop which would allow large trucks to avoid this intersection.

In response to question by Commissioner Pat Foley as to who would pay for the street, Commissioner Bronaugh stated that he had talked with some of the people who would be willing to give some right-of-way or make right-of-way available. Commissioner Bronaugh stated that the trucks were very long, heavy trucks and were very slow in getting into the main stream of traffic.

Mayor Garrison stated that the matter would be taken under consideration and brought up again at a later time when new problems arise.

20. AGREEMENT - APPROVED - IMPROVEMENTS AT HIGHWAY 59 & LOOP 287

Mayor Garrison stated that the Commission now had for consideration the financing of the City's share of improvements at Highway 59 and the Loop. City Manager Westerholm stated that the total amount the City would be required to pay is \$120,060 over the next 12 month period and \$40,020 of this amount was due before January 31st.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley to execute the agreement with the Highway Department covering payment as scheduled of \$120,060 to be taken from the Contingency Fund and end of the year balance. A unanimous affirmative vote was recorded.

21. RESOLUTION - APPROVED - APPLICATION TO TEXCEL

Mayor Garrison stated that the Commission had been requested to sign a Resolution authorizing the City of Lufkin to make application to participate in TEXCEL (Texas Cities for Economic Leadership). Mayor Garrison stated that the Chamber of Commerce would pay the expense of \$2,000 for the City to participate in the program.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Resolution be approved as presented. A unanimous affirmative vote was recorded.

22. EXECUTIVE SESSION - APPOINTMENTS, DISCUSSED

Mayor Garrison stated that the Commission would now go into Executive Session to discuss appointments to the Heating, Air Conditioning and Mechanical Board and committees to the Comprehensive Plan. Mayor Garrison recessed formal open meeting of the City Commission at 7:50 p.m. Mayor Garrison reconvened meeting of the City Commission and made announcements to those present regarding results of the Executive Session at 8:00 p.m.

Mayor Garrison stated that Richard Gardemal and Roger Johnson had been reappointed to the Heating, Air Conditioning and Mechanical Refrigeration Board. Mayor Garrison stated that the Council had also discussed appointment of committees to the Comprehensive Master Plan and by the next meeting of the City Commission a formal announcement would be made of the citizens appointed to the committees.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Richard Gardemal be reappointed to the Heating,

Air Conditioning and Mechanical Refrigeration Board. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley and Roger Johnson be reappointed to the Heating, Air Conditioning and Mechanical Refrigeration Board. A unanimous affirmative vote was recorded.

23. RAILROAD SPIKES - SIDEWALKS IN CITY - FINES - SAFETY LIGHTING

Commissioner Percy Simond stated that he had noticed at the intersection of Lake and Raguet that the spikes on the railroad tracks were damaging the tires on City trucks. City Manager Westerholm stated that the City had installed the plastic crossing near the Lufkin Daily News.

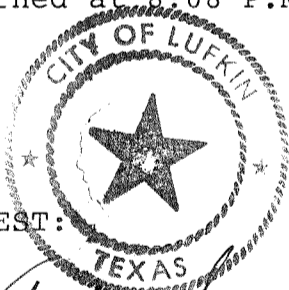
Commissioner Percy Simond stated that he knew there was always problems with the budget but he would like to see some money set aside for putting in 5 to 6 sidewalks a year in the City. Commissioner Simond stated he would especially like to see sidewalks around the public schools. Commissioner Simond stated that he would like for City Manager Westerholm to see if this item could be put in the upcoming budget.

Commissioner Simond stated that he was concerned that the City spends it's money on making arrests for DWI's and various offenses and does not get to keep any of the money that is imposed for fines.

Commissioner Simond stated that at a conference he had attended in Marshall he was impressed with some of the officials who stated that they leased heavy equipment as opposed to buying same and it might be worth looking into.

Commissioner Don Boyd stated that he would like some information concerning the light at Pershing and the Loop. City Manager Westerholm stated that the Highway Department was replacing the lighting with safety lighting at all the intersections throughout the City.

24. There being no further business for consideration, meeting adjourned at 8:08 P.M.



ATTEST:

Atha Stokes
Atha Stokes - City Secretary

Pitser H. Garrison
Pitser H. Garrison - Mayor