

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF NOVEMBER, 1986, AT 5:00 P.M.

On the 4th day of November, 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
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Nick Finan	City Planner
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Blaine Brim, Minister, First Presbyterian Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of October 21, 1986, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - GARY ALEXANDER - LUFKIN AVENUE BETWEEN RENFRO AND LOOP 287

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request for Gary Alexander covering property located on Lufkin Avenue between Renfro and Loop 287 from Residential Large to Commercial.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Louis Bronaugh that Ordinance be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

5. NOISE ABATEMENT ORDINANCE - APPROVED - FIRST READING

Mayor Garrison stated that at last meeting a Noise Abatement Ordinance had been given consideration. Mayor Garrison stated that there were several items that needed revision and City Attorney Flournoy had passed out revised copies of the proposed Ordinance prior to the meeting.

City Attorney Flournoy stated that in Section 3 he had taken out the words "grinding, grating and rattling" and restated same to read: "The use of any automobile, motorcycle or other vehicle so out of repair or so loaded in such manner as to create loud and unnecessary other noise is hereby prohibited." City Attorney Flournoy stated that he had also deleted altogether the provision of honking of horns.

In response to question by Commissioner Louis Bronaugh, City Attorney Flournoy stated that it will be a matter of judgment in most instances in determining who will be ticketed for creating loud noises and that patrolmen will not carry around a device for measuring sound.

Mayor Garrison stated that he questioned the paragraph concerned with obtaining a permit in Section 5. Mayor Garrison stated that it appeared as if a person would be given a license to do whatever he wants to because the City staff has given him a permit to do so. City Attorney Flournoy stated that a permit would allow the staff to keep up with these people. City Manager Westerholm stated that the City Secretary would need some guidelines as to whom to give a permit. City Attorney Flournoy stated that some major problems could be encountered in trying to regulate the permits.

In response to question by Commissioner Don Boyd as to banks and churches in the downtown area with chimes, City Attorney Flournoy stated that paragraph 2 prohibits same. City Attorney Flournoy stated that music played at Christmas probably would not be prohibited.

In response to question by Commissioner Pat Foley, City Attorney Flournoy stated that if a loud noise is audible 50' away from its' source, that is prima facia evidence that it is in violation.

In response to question by Commissioner Louis Bronaugh, City Attorney Flournoy stated that "Disturbing the Peace" Ordinances have all been declared unconstitutional but there is a new disorderly conduct statute provision dealing with noise in some situations. City Attorney Flournoy stated that this is a State Statute and would not cover the types of noise this proposed ordinance was attempting to abate.

Commissioner Percy Simond stated that this proposed Ordinance had been discussed at several meetings and he would like to have the Commission to tell the City Attorney to delete specific sections and go ahead and pass the Ordinance on First Reading.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Ordinance be approved on First Reading and that the portion relating to the hours of 11 P.M. to 7 A.M. in Section I be deleted, eliminating paragraph 2, retaining paragraph 3 and eliminating paragraphs 4, 5, 6 and 7. A unanimous affirmative vote was recorded.

6. AGREEMENT - TENTATIVELY APPROVED - BRAZOS VALLEY TRANSIT SYSTEM - PUBLIC TRANSPORTATION SYSTEM

Mayor Garrison stated that the next item for consideration was a proposal to contract with the Brazos Valley Transit System for the operation of a public transportation system in the City of Lufkin.

Mayor Garrison recognized Carol Moore who stated that the agreement with Brazos Valley Transit System represented a full year's worth of analysis and feasibility study for a transportation system and she considered the City fortunate to have found John McBeth and the Brazos Valley Transit System. Mrs. Moore stated that the proposed bus system would not only be beneficial to the City but to County residents as well.

Mrs. Moore stated that as of November 4 the Public Transportation System is comprised of five (5) trolleys at \$13,000 each and four (4) Grumman buses at \$4,000 each. Mrs. Moore stated that as of this date there have been verbal agreements with four (4) different institutions to out right purchase the vehicles

Mrs. Moore stated that advertising has currently been sold on the remaining four (4) vehicles to pay for the capital investment in a three (3) year period. Mrs. Moore stated that annual income will be \$26,526. Mrs. Moore stated that advertising is being sold on a twelve (12) month basis only and the fourth year of the life of the vehicles the advertising fees will represent a profit. Mrs. Moore stated that as of today 94% of the advertising on the remaining four (4) vehicles has been purchased. Mrs. Moore stated that the equipment must be paid for in full at time of delivery and a decision will need to be made concerning allocation of funds in early summer of 1987.

Mrs. Moore stated that John McBeth, Lyle Nelson and Becky Frickey were present at tonight's meeting to represent the Brazos Valley Transit System.

Mr. McBeth stated that the proposal for the buses had been distributed earlier with a map of the proposed routes. Mr. McBeth stated that there will be two (2) advertised Public Hearings where the public will have input into routes and fares. Mr. McBeth stated that presently there are five (5) proposed routes with three (3) operating on the Loop. Mr. McBeth stated that proposed fares are 25 cents for children 6-12 years old, children under six (6) years old will ride free, and 50¢ fare for all others considered Fare Box Revenue.

Mr. McBeth stated that the proposal is for five (5) 1890 vintage trolleys, and three (3) 47 passenger coaches to service an express route around the Loop, and it would take 30 minutes to complete the route.

Mr. McBeth stated that the required local share for operations is 50% and is split between the Brazos Valley Transit System and the local supporting entity. Mr. McBeth stated that each party is responsible for 25% of the local share. Mr. McBeth stated that the operations budget would include the drivers wages, fringe benefits, fuel and oil, maintenance rent for operations expenses and other costs. Mr. McBeth stated that the local share of the total cost will be \$77,000. Mr. McBeth stated that Mrs. Moore was raising the local match by selling advertising on the vehicles.

Mr. McBeth stated that the Brazos Valley Transit System will absorb all of the administrative costs and that the administration will do all hiring of bus drivers. Mr. McBeth stated that the cost may not be as high as presented but will not be higher.

Mr. McBeth stated that the hours of operation will be 5:30 A.M. until 7:00 P.M., five (5) days a week and buses will run two (2) Saturdays each month.

Mr. McBeth stated that a conservative estimate for projecting Fare Box Revenue would be \$15,000. Mr. McBeth stated that the first year would be to teach the public how to ride the buses and the public would be educated through the marketing department.

Mr. McBeth stated that the total amount to be funded is \$190,000 to be divided 50/50. Mr. McBeth stated that \$47,500 would be paid for by local sponsor and if the City goes with the proposal, it's share will be \$47,500. Mr. McBeth stated that total capital has to be replaced every four (4) years. Mr. McBeth stated that the life cycle of the buses is five (5) years.

Mr. McBeth stated that there will be a bus stop every two (2) blocks in the downtown area, and that in a few instances, bus stops will be three (3) or four (4) blocks apart. Mr. McBeth stated that the Main Street Trolley will be used in the Central Business district and will help alleviate parking in the downtown area. Mr. McBeth stated that

Mrs. Moore is currently working with the Southern Pacific Railroad for park and ride lots.

Mr. McBeth stated that Brazos Valley Transit System will pay for shelters, and that they will be constructed of wood and plexiglass and will be weatherproof.

Mr. McBeth stated that the City could use less buses but it would take more time for each route. Mr. McBeth stated that after a certain length of time after the buses are operational, he will do a procedure called "run cutting".

Mr. McBeth stated that the design of the shelters would be approved by the City, and Brazos Valley Transit System would take care of all maintenance. Mr. McBeth stated that Brazos Valley Transit System will take care of insurance on Park and Ride lots and for the whole system including injuries on the bus. Mr. McBeth stated that at the present time the minimum coverage per incident or accident is \$1,000,000.

Mayor Garrison stated that he noticed in Mr. McBeth's letter that a public transit system would require a continuing commitment. Mr. McBeth stated that if after two (2) years the system is not working, then the City can simply tell Brazos Valley Transit System to leave.

In response to question by Mayor Garrison, Carol Moore stated that she had sold all advertising on a one-year contract and it had sold easily because it was inexpensive. Mrs. Moore stated that the rate can be increased after the first year and she plans to do so at that time.

Commissioner Louis Bronaugh stated that having the public transportation system would be a new concept for Lufkin, and, in his opinion, the City would be wise to participate.

In response to question by Commissioner Jack Gorden, Mrs. Moore stated that the equipment will be paid for in three (3) years and the next year's income will be profit.

Mayor Garrison stated that he was skeptical about the system, but was willing to try and hopes that it's successful.

Commissioner Pat Foley stated that he was impressed with the presentation and the people who presented same. Commissioner Foley stated that he had hoped the City would be able to sell more vehicles and utilize advertising funds to pay part of the \$47,500.

In response to question by Commissioner Bronaugh, Mr. McBeth stated that a Board of Transportation would have to be created and it's possible that the Commissioners could serve in that capacity.

In response to question by Mayor Garrison, Mr. McBeth stated that the public transportation system could operate under whatever name the Commission chooses.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that the City tentatively approve proposal by Brazos Valley Transit subject to working out details and subject to finding out what the City's bottom line figure would be. A unanimous affirmative vote was recorded.

In response to question by Commissioner Danny Roper, Mr. McBeth stated that if bids for the buses are opened in December, vehicle delivery would take 4-6 months, with the earliest delivery in June to be operated in July.

7. INVOICE - APPROVED - BUCHER, WILLIS & RATLIFF - COMPREHENSIVE PLAN

Mayor Garrison stated that the Commission now had for consideration invoice from Bucher, Willis & Ratliff for Comprehensive Plan.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that invoice from Bucher, Willis & Ratliff in the amount of \$6,084.31 be approved as presented. A unanimous affirmative vote was recorded.

8. INVOICE - APPROVED - FIRST SOUTHWEST - SEWER BONDS

Mayor Garrison stated that the Commission now had for consideration an invoice from First Southwest representing their fee for the issuance of the additional \$200,000 needed for the Sewer Plant construction.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that invoice from First Southwest in the amount of \$4,612.61 be approved as presented. A unanimous affirmative vote was recorded.

9. CHANGE ORDER - APPROVED - TRIBBLE & STEPHENS - NEW CITY HALL CONSTRUCTION

Mayor Garrison stated that the next item for consideration was Change Order No. 5 to the contract with Tribble & Stephens for new City Hall construction.

Mayor Garrison recognized Jerry Hill, architect, in representation of Change Order.

Mr. Hill stated that:

Change Order #21 was for the installation of a steel beam that had to be installed between the elevators and was for \$168.00

Change Order #22 was for increasing the rolling door size of the required opening requested by the Police Department for \$91.00.

Change Order #23 was for replacing some fittings and pipe that was leaking in existing Mechanical Room for \$164.00.

Change Order #25 was for some existing conduit and wiring on the existing City Hall that he felt needed to be installed in the ceiling so that holes in the roof are minimized for \$1,045.00.

Change Order #28 was for modifications to structurally tie the new building to the old building for \$1,254.00.

Change Order #29 was related to Change Order #33 and was for 24 volt door closers for doors going into main City Hall for \$924.00.

Change Order #30 was for additional electrical and telephone outlets for \$470.00.

Change Order #31 was for support structural bar joist in old building where masonry wall was removed in corridor for \$839.00.

Change Order #32 was for extra electrical for department request for \$2,244.00.

Change Order #33 was for installing electrical/fire alarm hold open doors at entry door in lieu of leaving doors closed for \$2,716.00.

Change Order #34 was for modification to Police Department investigation room where partitions were replaced with walls going to ceiling for security and doors and mechanical and electrical revisions for \$5,351.00.

Change Order #39 was for additional storage shelving in the Accounting Department. Mr. Hill stated that two (2) foot shelves are needed and had been taken out of the original plans because it was too much money, and he felt that file cabinets would take care of the problem. Change Order amount is \$9,493.00.

Change Order #40 was for revisions to the Communications Area of the Police Department due to new equipment and operation for \$8,047.00.

Change Order #41 was for additional security measures at all corridor doors with electrically controlled locks for \$11,960.40.

Mr. Hill stated that the total amount of Change Order No. 5 was \$44,766.40.

Commissioner Foley stated that he had noticed in the copy machine room on the second floor that the conduit was on the opposite side of the room and, in his opinion, this should be corrected.

In response to question, City Manager Westerholm stated that there was \$213,000 left in available funds before this Change Order.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Change Order No. 5 be accepted as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - RESCHEDULED - HODGES BUSINESS INTERIORS - INTERIOR FURNITURE AND FURNISHINGS - NEW CITY HALL

Mayor Garrison stated that this item would be rescheduled for consideration at the November 18th meeting.

11. RESOLUTION - RESCHEDULED - CHANGE ORDER NO. I - HODGES BUSINESS INTERIORS - INTERIOR FURNITURE AND FURNISHINGS - NEW CITY HALL

Mayor Garrison stated that this item would be rescheduled for consideration at the November 18th meeting.

12. BID - APPROVED - GARBAGE BAGS - ARROW INDUSTRIES

Mayor Garrison stated that the next item for consideration was bids for the annual supply of garbage bags.

City Manager Westerholm stated that the low bid from Arrow Industries was \$6,250 less than the previous year.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that the \$10,000 difference in the bid and the budgeted amount would be transferred into the Contingency Fund. City Manager Westerholm stated that he had not made any decision as yet in regard to lowering the price of the bags. Public Works Director Ron Wesch stated that the price for bags at this time is \$4.21.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that bid from Arrow Industries in the amount of \$79,081.00 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

13. AGREEMENT - TENTATIVELY APPROVED - FULLER SPRINGS WATER SUPPLY DISTRICT

Mayor Garrison stated that the Commission now had for consideration the acquisition of the Fuller Springs Water Supply District. Mayor Garrison stated that the City had been discussing with the Fuller Springs Water District the possible conveyance of the assets of that District to the City of Lufkin with the City of Lufkin agreeing to

take over the operation of the system. Mayor Garrison stated that a formal proposed contract from the City Attorney has been presented to the Commission.

City Attorney Flournoy stated that Attorney Curt Fenley had drafted the Contract and the changes that were made were mostly typographical errors with the exception of the change made in Section 26 on indemnity by the City. City Attorney Flournoy stated that for clarification purposes the change was that the City would not agree to indemnify the District's employees, Board of Directors, etc., for any act that occurs prior to the time the City takes over.

City Attorney Flournoy stated that he and Mr. Fenley had consulted with the Texas Municipal League as to how the District has to be abolished. City Attorney Flournoy stated that under this Contract, should there be any claims or litigation over the method of the sale or method of dissolution of their District, then the City would assume any liability arising from that. City Attorney Flournoy stated that the City would not assume any losses from the operation until the time of the actual take over.

Mayor Garrison stated that he was not satisfied as to what authority the District is selling the water system under and he would like to see some legal opinion as to what law or statute or authority the District has the right to sell its' assets to the City and to be sure the City has title.

City Attorney Flournoy stated that he had discussed the situation with Riley Fletcher of TML and everyone seems satisfied this is the proper procedure.

City Attorney Flournoy stated that the Statute under Article 1182C-1 provides for taking over the liabilities and assets.

Mayor Garrison stated that he wanted to be sure that the City has a complete legal transaction, and, in his opinion, the City should not agree to indemnify anybody on whether or not there's any liability because the District has dissolved. Mayor Garrison stated that, in his opinion, it's unfair to ask the City to do that.

Mr. Fenley stated that the water district feels it has the authority to sell the system but was concerned about the methodology. Mr. Fenley stated that the District did not want to be caught in the position of having a law suit brought against the Board of Directors 30 days after the dissolution of the Water District. Mr. Fenley stated that he had gone through every statute he could find and could not find where it is defined as to how to sell the district.

Mayor Garrison stated that any liability could be charged against the property.

Mayor Garrison stated that Indemnity Agreements are very hazardous for people to enter into, and as far as he's concerned, he would not be willing for the City to assume that kind of indemnity.

Mr. Fenley stated that it was the method of going about the selling of the property that the indemnity speaks to.

Commissioner Foley stated that before he would be willing to accept the Contract, the City's liability would have to be limited in some manner. Commissioner Foley stated that, in his opinion, it would be safer for the City if the Water District went through the election process. City Attorney Flournoy stated that he doesn't believe an election is necessary under the law.

Mayor Garrison stated that he was disturbed that Mr. Fenley could not guarantee that the plan he is implementing is absolutely foolproof.

Commissioner Gorden stated that he would like to know if current liability insurance could be extended for 2 or 3 years, and paid for out of the District's excess funds. Mr. Fenley stated that he would have to check to make sure what the statutes of limitations is. City Attorney Flournoy stated that basically not much money will be left after funds are used to pay off bonds the first of February. Mr. Fenley stated that the bond payment will be \$90,000.

Commissioner Foley stated that in reviewing the report by Goodwin-Lassiter, he noticed that they had made recommendations for work on the system totalling \$206,800 and he would like to know if the City would be assuming that responsibility. City Manager Westerholm stated that he had not studied the report that closely and did not know how much of that figure is for well construction and typing into their wells or how much is ground storage. City Manager Westerholm stated that the Fuller Springs water plants will be closed down. City Manager Westerholm stated that some of the things in their system will help our system once they are tied in.

In response to question by Commissioner Foley, Public Works Director Ron Wesch stated that it will cost the City \$135,000 for materials to tie the systems together.

Mr. Wesch stated that tying into the water system should not cause any further problems with the water pressure on the South side of town and may even help the situation.

Commissioner Foley stated that he was hoping that the water distribution study would have been completed prior to the acquisition of the district.

Mr. Fenley stated that the March 2nd deadline needs to be met because the District has to give notification on the Bonds so people can redeem them. Mr. Fenley stated that notice of redemption needs to be given in December. Mr. Fenley stated that the Bonds can be redeemed twice a year, once in February and again in August.

In response to question by Mayor Garrison, Mr. Fenley stated that 30 days advance notice must be given and that if the agreement with the City is approved by the November 18th meeting, there would be enough time to give the proper notice.

In response to question by Mayor Garrison, City Manager Westerholm stated that the maintenance man employed by the water district will be needed to read the 850 meters since he is acquainted with the system and that the two office workers may be surplus in the Water Department.

Commissioner Foley stated that items 3 and 4 relates to the City making repairs before taking over the water system, and, in his opinion, the system should make its own repairs.

Commissioner Foley stated that on the first page a "purchase price" is referred to and isn't specified. City Attorney Flournoy stated that the purchase price is the assumption of the system and the other obligations as set out in the agreement. City Attorney Flournoy stated that the agreement could state that there is no cash consideration.

Commissioner Foley stated that he had the same concern as the Mayor had concerning employing the individuals of the water system as outlined in items 7 and 8.

Commissioner Foley stated that, in his opinion, the City should not be tied down to the rates as outlined in item 13. Commissioner Foley stated that the same rates should be charged under current policies within the City and outside the City limits.

In response to question by Commissioner Roper, City Attorney Flournoy stated that the City now charges one-and-one-half (1 1/2) times the current rate outside it's City limits. City Attorney Flournoy stated that the 1.27 figure was arrived at because one of the conditions set by the District is that initially the citizens in the District would not have their rates increased, and their rate is now 1.27 x the City rate. Atttorney Flournoy stated that at the end of five (5) years the City can increase the rate to one-and-one-half (1 1/2) times. Commissioner Foley stated that, in his opinion, five (5) years was too long since the system is as old as it is and there will probably be a need for repairs and the money might not be available. Mayor Garrison stated that if the City's rates increase, the rates for the water district will be increased also.

Commissioner Foley stated that under "Risk of Loss", item 22, in his opinion, the District should make the repairs before the City takes over the system.

Commissioner Foley stated that item 23b states that nothing should be sold from the time the Contract is entered into until the take-over. City Attorney Flournoy stated that basically the water district agrees that the inventory will remain the same and none of the assets will be disposed of.

In response to question by Commissioner Foley, Mr. Fenley stated that under item 24c, Cost and Expenses, should someone sue over the Contract, then the District would share in the defense by paying for their own attorney.

Commissioner Roper stated that item 4 states that "the tie-in will be completed no later than 90 days from the date the District conveys all remaining properties to the City" and that would be March 2nd. Public Works Director Ron Wesch stated that the time frame is allowing for the necessary tie-ins and construction, weather permitting.

In response to question by Commissioner Roper, City Manager Westerholm stated that \$60,000 had been budgeted towards the tie-in. Mr. Wesch stated that the cost for material only would be \$135,000. Commissioner Roper stated that he would like to see a balance sheet on the water district.

Commissioner Simond stated that he appreciated the Mayor's articulation of the legal aspect of this situation and Commissioner Foley's prowess in going through the details of the agreement. Commissioner Simond stated, in his opinion, it appears that the City doesn't want to take in the Fuller Springs Water District and it is a waste of time for the people of the District to come down and sit through these meetings. Commissioner Simond stated that, in his opinion, the citizens of Fuller Springs spend their money in Lufkin and they shouldn't have to make all the concessions; the City will have to give up something too.

Commissioner Simond stated that he was concerned about adequate police protection in the Fuller Springs area. In response to question by Commissioner Simond, Acting Police Chief David Kirkland stated that there are a minimum of four (4) patrolmen on duty on each shift.

In response to question by Commissioner Foley, City Attorney Flournoy stated that in regards to obtaining a title policy that the office, water well and tower are located on one tract of land. City Attorney

Flournoy stated that a title policy can be obtained, but a value of the property will have to be ascertained.

Commissioner Foley stated that his preference would be to have the distribution study done before taking over the water system.

Mayor Garrison stated that he was willing to go ahead with the system if the terms of the agreement can be worked out. Mayor Garrison stated that if the indemnity is limited to the value of those properties and those properties only, he would be willing for the City to assume that. Mayor Garrison stated that he did not want to cast on the citizens of Lufkin an obligation over and beyond the value of the property.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd to delay further action on the agreement until next meeting of this Commission. A unanimous affirmative vote was recorded.

14. NEWSPAPER ARTICLE - COMPREHENSIVE PLAN/STREET IMPROVEMENTS - GROUND WATER CONSERVATION DISTRICT

Commissioner Danny Roper stated that he would like to make mention of the newspaper article in the Lufkin News and a quote that was given by the now ex-Chief Latham. Commissioner Roper quoted "There have been those elected officials who have openly approached my officers and attempted to undermine the principles and policies that I have set out, and this has continued to the present time. Now as the most recent incident indicates, there are those who feel we should be selective in our enforcement of the laws and this is in direct contrast with principles that I have always stood for." Commissioner Roper stated that his initial reaction to these specific things that were given in the quote was that he was horrified. Commissioner Roper stated that he did not know of any councilman or any elected official of the City of Lufkin that has curried favors from anyone with the Lufkin Police Department to his knowledge. Commissioner Roper stated that to have aspersions cast upon all the elected members of this Commission or any other elected official of the City of Lufkin without naming names is a blanket accusation and is backhanded and he took it personally. Commissioner Roper stated that it was unfortunate that the incident occurred, and as events unfolded that action was felt necessary by the City Manager, and ultimately he supports the City Manager and does take offense to those items that he read from Mr. Latham's letter in the newspaper.

Commissioner Gorden stated that, in his opinion, Mr. Latham's statement was out of line.

In response to question by Commissioner Boyd, City Manager Westerholm stated that the Comprehensive Plan will be completed towards the end of December. City Manager Westerholm stated that two meetings are scheduled for November 10th and 11th concerning Capital Improvements and Future Land Use.

Commissioner Boyd stated that a lot of street work needs to be done and perhaps the City could consider Certificates of Obligation or a Bond issue to get the streets repaired. Commissioner Boyd stated some of the main thoroughfares like Martin Luther King Drive are very narrow and need widening.

Commissioner Foley stated that, in his opinion, there were a lot more items in the Comprehensive Plan that needed attention before the streets. Commissioner Foley stated that all of the items in the Plan need discussion and a long range plan developed for addressing each of them.

Commissioner Foley stated that he has been here longer than Commissioner Roper and his reaction to the letter had been the same. Commissioner Foley stated that he was disappointed that it was worded the way it was and he too was offended.

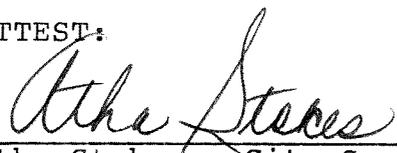
Commissioner Foley stated that the last legislature set up some guidelines for regulating ground water conservation districts within the state of Texas and he would like for the City Manager to bring the Commission up-to-date on the status of same.

City Manager Westerholm stated that he had been in contact with Austin regarding the critical ground water areas all across the State. City Manager Westerholm stated that hearings had been held and now they will decide what is critical and will set up an advisory board for each area and determine whether a district needs to be formed to regulate water in critical areas. City Manager Westerholm stated that he had talked to Tommy Knowles in Austin and told him that if an advisory board is formed, the Lufkin Commission would like to be considered to participate in same.

15. There being no further business for consideration, meeting adjourned at 8:12 P.M.


Pitser H. Garrison, Mayor

ATTEST:


Atha Stokes - City Secretary