

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 22ND DAY OF JANUARY, 1985 AT 4:30 P.M.

On the 22nd day of January, 1985, 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, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Nicholas Finan	City Planner

being present when the following business was transacted.

1. Meeting opened with prayer by Reverend Stephen Bancroft, Minister of St. Cyprian's Episcopal Church, Lufkin.

2. EXECUTIVE SESSION - APPOINTMENTS, DISCUSSED - CIVIL SERVICE COMMISSION, EXAMINING & SUPERVISING BOARD OF ELECTRICIANS, PLUMBING APPEALS & ADVISORY BOARD

Mayor Garrison stated that the City Commission would now go into Executive Session to discuss appointments to the Civil Service Commission, Examining & Supervising Board of Electricians, and the Plumbing Appeals & Advisory Board. Mayor Garrison recessed open formal meeting of the City Commission at 4:33 P.M. Mayor Garrison reconvened meeting of the City Commission and made announcements to those present regarding results of Executive Session at 5:15 P.M. Mayor Garrison stated that the City Commission had discussed appointments to several City Boards and announcements of appointments would be made later in the agenda.

3. Mayor Garrison welcomed visitors present.

4. APPROVAL OF MINUTES

Minutes of the regular meeting of January 8, 1985, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

5. APPOINTMENTS TO CITY BOARDS - CIVIL SERVICE COMMISSION - EXAMINING & SUPERVISING BOARD OF ELECTRICIANS - PLUMBING APPEALS & ADVISORY BOARD

Mayor Garrison stated that appointments to the Civil Service Commission had been considered in the Executive Session and the floor was now open for nominations.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Rod Pittman be reappointed to the Civil Service Commission for a three (3) year period. A unanimous affirmative vote was recorded.

Mayor Garrison stated that an opening on the Examining & Super-

vising Board of Electricians had been discussed in the Executive Session because of the expiration of the term of Otis Owens, a self-employed electrician, who has indicated that he would not seek reappointment to the Board.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Eugene McClain, a qualified electrician employed by Louisiana Pacific, be appointed to serve on the Examining & Supervising Board of Electricians. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the terms of Richard Pulaski on the Plumbing Appeals and Advisory Board had expired and the floor was now open for nominations.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Richard Pulaski be reappointed to serve on the Plumbing Appeals and Advisory Board. A unanimous affirmative vote was recorded.

6. INDIVIDUAL POLICE UNITS - TABLED

Mayor Garrison stated that in the past a discussion had been held about the possibility of furnishing individual patrol units to police officers. Mayor Garrison stated that Chief Leonard Latham of the Police Department had supplied a letter to the City Commission indicating the pros and cons of this system.

Commissioner Don Boyd stated that he had visited with other cities now providing individual police units to their officers and had received a very favorable response because the additional cars made the Police more visible in the neighborhoods of the City which deterred crime. Commissioner Boyd further stated that the initial cost would be great, but the program would save the City money as it progressed. Commissioner Don Boyd stated that an individual Police unit driven by only one officer could have a life of three (3) to four (4) years without maintenance problems, and presently there are three (3) to four (4) officers driving one car twenty-four hours a day, which increases the cost of maintenance. Commissioner Boyd stated that the individual responsible for the patrol unit would take better care of the car, more men would be available for emergency situations, and the response time would be less if the officers were needed after their shift. Commissioner Boyd stated that he would suggest that the program be attempted on a trial basis with officers that lived in the City limits of Lufkin.

Mayor Garrison stated that Chief Latham stated in his letter that the program should be re-evaluated in a year, but it would be difficult to evaluate the "better morale" the Chief believes will result from the program. Commissioner Boyd stated that the Police Department statistics would indicate if the program was beneficial to the City of Lufkin.

In response to statement by Mayor Garrison, City Manager Westerholm stated with the new IRS ruling that a company car has to be counted as extra income, several detectives in the Police Department have decided not to take their vehicle home because of the increased cost to them in taxes. City Manager Westerholm stated that in an effort to obtain information of whether emergency vehicles would be covered under the new IRS regulation, calls had been made to Washington and Austin, but a decision has not been made at this time.

Commissioner Percy Simond stated that a Police Lieutenant had driven to his office in a smoking car with a door ready to drop

off, and a Police Lieutenant in the City of Lufkin should have a decent vehicle to drive.

Commissioner Bronaugh stated that the report provided by the Texas Municipal League indicated that the City of Lubbock, Mesquite, Houston, Amarillo and Baytown had no problems with the program in their Cities, but until a decision is made by the IRS in regard to emergency vehicles, the Officers would not benefit by a personal car. Commissioner Don Boyd stated that letters should be written to Legislators indicating the City of Lufkin's opposition to the IRS regulation being applied to Police and Fire Department vehicles.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that Chief Latham had recommended that three (3) to five (5) cars be added to the fleet annually, but the City would experience additional cost because gas would be provided for personal use. Commissioner Pat Foley stated that more information was needed before a decision was made and the annual cost and savings of the program should be compared.

In response to question by Mayor Garrison, Commissioner Don Boyd stated that Chief Latham had recommended that the program be limited to officers living within five (5) miles of the City limits because some officers live outside the City and response time is increased when they are called out but must come to the Police Station to pickup their vehicle. Mayor Garrison stated that the City limits are the boundaries of Lufkin's authority and the Police units should not be outside the City limits. Commissioner Don Boyd stated that if an officer is in pursuit, he could go further than the City boundaries. Chief Latham stated that the City Commission's opinions on providing cars to officers outside the City limits were important, and he would recommend that the program be instituted on a trial basis. Chief Latham further stated that the officers could not afford to take individual cars home with the new IRS ruling, and four (4) detectives are presently leaving their cars at the Police Station.

City Manager Westerholm stated that the minimum added to an employee's W2 form for taking a car home is \$4.00 a day and they are required to keep a log of their mileage at 20.5 cents a mile. City Manager Westerholm stated that he did not know if a City employee could refuse to take a vehicle home if it is considered a part of his job requirements. Commissioner Don Boyd stated that it might be necessary for the City of Lufkin to increase the officer's salary in order to pay the additional charge to the Internal Revenue Service.

It was a concensus of opinion by the Commission that consideration of providing individual police units to officers of the City of Lufkin be placed on the next agenda for further consideration.

7. PROPOSAL TO ENGINEERING CONSULTANTS - COMPREHENSIVE MASTER PLAN - TABLED - PLANNING & ZONING COMMISSION CHAIRMAN TO APPEAR AT WORKSHOP

Mayor Garrison stated that the Planning & Zoning Commission has been investigating the possibility of developing a Comprehensive Master Plan for the City of Lufkin and had contacted engineering firms willing to provide a proposal for consideration. Mayor Garrison stated that a list of firms had been developed and it was suggested at last meeting of this Commission that City Planner Nick Finan provide a proposal request for review. Mayor Garrison stated that after reviewing the request for proposal some items are duplicates of studies previously prepared

for the City of Lufkin and the distribution system included in the Comprehensive Master Plan might be incomplete when the Comprehensive Master Plan is begun. Mayor Garrison stated that the proposal request should be more definitive. Mayor Garrison stated that development of a Master Plan would not benefit Lufkin because the City staff must be constantly aware of items listed for inclusion to operate the City of Lufkin. Mayor Garrison stated that he was not aware of any improvements in the City of Lufkin resulting from the last Master Plan. City Manager Westerholm stated that extension of Hill Street, construction of a new fire station and an underpass were all recommendations of the last Comprehensive Master Plan. Mayor Garrison stated that if the Commission felt it was advisable to have a Comprehensive Master Plan developed, he did not have any objections, but the Planning & Zoning Commission thinks the Comprehensive Master Plan should go forward, but the request for proposals should be more specific and the Planning & Zoning Commission thinks the Comprehensive Master Plan should go forward.

In response to question by Commissioner Lynn Malone, City Manager Westerholm stated that the Highway Department took the leadership in development of Loop 287 and the floodway was not involved in the last Comprehensive Master Plan because flooding is not a life-threatening situation in Lufkin. City Manager Westerholm further stated that a Capital Improvements Program must follow the Comprehensive Master Plan to provide results. Mayor Garrison stated that the drainage and location of the floodway in the City of Lufkin could be important in the planning of the City, but a firm has been hired to conduct the water distribution system study. City Manager Westerholm stated that the City staff could recommend many projects that should be done in the City, but an outside individual can recognize growth needs of the City more readily.

Mayor Garrison stated that he would like to have some input in regard to the Planning & Zoning Commission's expectations of the Comprehensive Master Plan and how to implement the Plan in the City of Lufkin.

Commissioner Louis Bronaugh suggested that Sam Griffin, Chairman of the Planning & Zoning Commission, be requested to attend the Workshop on January 29th regarding use of the Comprehensive Master Plan. Mayor Garrison stated that the Commissioners should have the opportunity to look at the 1962 and 1970 Master Plans.

Commissioner Jack Gorden stated that he had supported the allocation of money for the Comprehensive Master Plan and the results would be a good independent look at where the City of Lufkin is at the present time and where the City Commission would like to see the City develop. Mayor Garrison stated that the community will be developed by those individuals that are willing to provide capital for development. Commissioner Jack Gorden stated that there is much undeveloped land in the Lufkin City limits that should be utilized before additional area is annexed. Mayor Garrison stated that the City's policy of not extending sewer outside the City limits has been beneficial in encouraging developers to use open area inside the City. Mayor Garrison further stated that many homes have been built inside the City in the last few years because utilities are available. Commissioner Jack Gorden stated that he felt that commercial development of the City should be stressed and the City Commission should take an active role in encouraging new businesses to locate in the City of Lufkin. Commissioner Gorden further stated that to be of any benefit, the Comprehensive Master Plan would have to be used once it was completed.

Mayor Garrison stated that Sam Griffin, Chairman of the Planning & Zoning Commission, might be invited to a meeting to explain the benefits of the Comprehensive Master Plan, and City Planner Nick Finan should be encouraged to be more specific in what a Comprehensive Master Plan should include.

Commissioner Percy Simond stated that there is much undeveloped land inside the City of Lufkin because the opposition by seven property owners in the area to new construction insures that the City Commission will abide by their wishes. Commissioner Simond further stated that he felt the Comprehensive Master Plan was a waste of money and the \$20,000 could be better used in another area. Mayor Garrison stated that he would like to see Sam Griffin and City Planner Nick Finan develop a presentation of what is needed for the planning, development, and the drainage of the City, all of which should be included in the Comprehensive Master Plan. Mayor Garrison stated that he would like to see a more definitive plan from the City Planner and the Planning and Zoning Commission, including only items important to the City at the present time.

Commissioner Pat Foley stated that many items listed on the request for proposal are available at the present time and should not cost the City money to have them included in the Comprehensive Master Plan.

Mayor Garrison stated that he would like information on how other cities are using their Comprehensive Master Plan. City Manager Westerholm stated that a good Master Plan receives public input in setting priorities of City needs, and a Capital Improvement Program depends on public involvement in the Comprehensive Master Plan. Mayor Garrison stated that a study of the basic needs of the City should be made, and the introductory items listed at the first of the request for a proposal could then be considered.

Commissioner Jack Gorden stated that he would like to have Sam Griffin at the Workshop on the 29th of January. Mayor Garrison stated that he did not want to infringe on the Workshop to consider a new City Hall. Commissioner Pat Foley stated that he would also like to have the benefit of Sam Griffin's expertise and he could be invited to the next City Commission meeting. Commissioner Percy Simond stated that he felt it should be a special meeting to receive input from Sam Griffin. Mayor Garrison stated that the Workshop meeting could begin at 4:30 P.M. with Sam Griffin providing input at that time and the Workshop on the new City Hall could begin promptly at 5:00 P.M.

It was a consensus of opinion of the Commission that Sam Griffin, Chairman of the Planning & Zoning Commission, should be present at 4:30 P.M. to begin the Workshop on January 29th. Mayor Garrison stated that City Planner Nick Finan should develop a plan of the most important items to be covered in a Master Plan for the Workshop meeting.

8. ORDINANCE - TABLED - MOTION PICTURE RATINGS

Mayor Garrison stated that several complaints have been registered with the City Attorney's office in regard to the regulation of proper enforcement of motion picture ratings and incidents have been cited where underage children have been sold tickets to "R" rated movies. Mayor Garrison stated that City Attorney Flournoy had provided an Ordinance borrowed from the City of Lubbock as a model for consideration by the City Commission.

Commissioner Louis Bronaugh stated that he had brought the problem to the attention of the City Attorney and he was in agreement

with the Ordinance submitted. Commissioner Bronaugh stated that this was not an attempt to legislate how parents care for their children, but if the theater managers have a set of ratings and standards for movies being shown an attempt should be made to enforce the rules.

Commissioner Don Boyd stated that the theaters in the City of Lufkin have multiple screens and the manager cannot control which movie the children go into. Commissioner Don Boyd further stated that the problem starts in the home and this type of Ordinance cannot be enforced.

Commissioner Louis Bronaugh stated that the minors are being admitted to the "R" rated movies with the approval of the theater managers. Commissioner Don Boyd stated that the youngsters see worse on TV today. Commissioner Louis Bronaugh stated that the movies are rated and the theater managers should abide by those ratings.

In answer to question by Mayor Garrison, Commissioner Louis Bronaugh stated that there is one (1) ticket booth for all four (4) screens, and once the ticket is purchased the moviegoer proceeds to one of the four doors leading to the four screens. Commissioner Bronaugh further stated that signs are posted on the ticket booth that youngsters under the age of 17 are not admitted to "R" rated movies without a parent or guardian.

Commissioner Percy Simond stated that the Ordinance is an attempt at "censorship and bookburning" because the theater manager cannot make sure that minors go into the correct movie. Commissioner Percy Simond stated that these same minors can show "X" rated films in their homes on VCR's, and the City of Lubbock does not enforce this Ordinance. Commissioner Louis Bronaugh stated that all theaters in the City of Lufkin are owned by the same company and all "R" rated movies could be shown at one location which would end the problem of minors attending the wrong movie.

John McGowen, theater manager in Jasper, was present and stated that the movie ratings are often deceiving and put on movies to increase ticket sales. Mr. McGowen stated that theaters can not afford ushers in this day and time and if his theater did not show "R" rated movies, he would not be in business at the present time. Mr. McGowen further stated that any children "dropped off" at his theater can see any movie they want because he does not check I.D.'s. Commissioner Percy Simond stated that the City Commission should not be in the business of censoring theaters and this concern should be placed on the problem of drinking and drugs in the City of Lufkin.

In response to question by Mayor Garrison, Commissioner Bronaugh stated that he had five (5) complaints before the newspaper indicated the Ordinance would be discussed at this meeting, and since that time, additional complaints had been registered. Commissioner Bronaugh stated that an increase in the cost of "R" rated movie tickets or requiring a person to be stationed at the door of the "R" rated movie to check the youngster's tickets might be a solution.

Mayor Garrison stated that input might be requested from the City of Lubbock in regard to enforcement of the Ordinance because, if it cannot be enforced, it should not be approved. City Attorney Bob Flournoy stated that he had discussed the problem with the Martin Theater's Attorney and they had requested an opportunity to review the Ordinance in search of a practical solution to the problem. City Attorney Flournoy stated that the theaters represent to the public and parents that their children will not be

permitted to go into a movie that is not suitable and the City of Lufkin has the right to regulate theaters.

Phillip Whitton was present and stated that he was concerned about the problem of minors being allowed to see "R" rated movies. Mr. Whitton stated that he was under the impression that his children would not be allowed to enter an "R" rated movie and he has tried to raise his children in a proper atmosphere where they do not watch programs not suitable for their age. Mr. Whitton stated that the theatre owners can enforce this rule, and he would ask that the City Commission proceed with the Ordinance because there are parents in the City of Lufkin that care and many youngsters attend these movies because of peer pressure.

Mayor Garrison stated that City Attorney Flournoy had stated that Martin Theatres had indicated they would be willing to work out a practical solution to the problem and every effort should be made to do that. City Attorney Bob Flournoy stated that he talked with the theater attorney, James Zeleskey. Mr. Zeleskey was present and stated that he had met with Martin Theater's representative who indicated that if an "R" rated movie was being shown a Driver's License would be required to obtain a ticket rather than I.D.'s presently being accepted. Mr. Zeleskey further stated that the theater representative had indicated that efforts would be made to police the "R" rated movies, and to being issuing different tickets for different screens, but the problem is with parents buying tickets to "R" rated movies for their children. Mr. Zeleskey indicated that the Martin Theaters would be happy to work with the City of prevent the problem.

Mayor Garrison recognized Eli Bernard, local youth director, who stated that he had several calls in regard to minors being allowed in "R" rated movies. Mr. Bernard stated that the manager at the Towne Square Theater is only eighteen years of age and "X" rated movies are shown in the City of Lufkin. Mr. Bernard stated that it is possible for one person to watch the entrances to the movie screens from a central location and the theater had shown him a list of parents who have signed for their teenagers to attend an "R" rated movie. Mr. Bernard stated that on one occasion he had watched twenty-two teenagers turned away from an "R" rated showing so it can be done. Mr. Bernard stated that many parents believe that the theater managers will not allow their children to attend an unsuitable movie and many parents believe that the Mall is a safe place for their children at night.

Mayor Garrison stated that everyone has their own thoughts about how to keep children out of bad situations and the question is whether there is a practical way that the movie Ordinance can be enforced. Mayor Garrison stated that the Attorney for the Martin Theatres could meet with the City Attorney to work out a solution that would be feasible and to determine if an understanding could be reached before next meeting of this Commission.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that consideration of the Ordinance be tabled until the Attorneys could meet for discussion. A unanimous affirmative vote was recorded.

9.A BID APPROVED - MOWER - PARKS DEPARTMENT - FLAIL - PINEYWOODS TRACTOR - ROTARY - B & S TRACTOR

Mayor Garrison stated that bids had been received for the purchase of a flail and a rotary mower for use in the Parks Department and requested that City Manager Westerholm provide staff recommendations. City Manager Westerholm stated that Don

Hannabas, Parks & Recreation Director, was recommending that the bid of Pineywoods Tractor in the amount of \$2,910.00 be accepted for the flail mower and the bid of B & S Tractor in the amount of \$1,689.00 be accepted for the rotary mower as the lowest and best bids. City Manager Westerholm stated that \$4,500.00 had been budgeted for these two (2) items and the total amounts to \$4,599.00, which would exceed the budget by \$99.00. City Manager Westerholm stated that he would like to recommend that the \$99.00 be absorbed by line item 40-02 to cover the amount over budget.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that bids of Pineywoods Tractor and B & S Tractor be accepted as the lowest and best bids and that the budget be amended accordingly. A unanimous affirmative vote was recorded.

9 B. BID - APPROVED - TRACTOR & BOOM MOWER - BENNETT EQUIPMENT

Mayor Garrison stated that bids had been received for the purchase of a tractor and boom mower for use in the Parks Department and requested that City Manager Westerholm provide staff recommendations. City Manager Westerholm stated that the bid of Bennett Equipment in the amount of \$27,000 had been recommended as the lowest and best bid. City Manager Westerholm stated that the amount would exceed the budgeted amount by \$2,000.00 and that this amount could be absorbed by line item 20-12.

In response to question by Commissioner Don Boyd, Parks & Recreation Director Don Hannabas stated that at the present time he did not see a need to return to the City Commission for an increase in the line items that had been decreased to keep his budget within the limit.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that bid of Bennett Equipment Company be accepted as the lowest and best bid and that the budget be amended accordingly. A unanimous affirmative vote was recorded.

10. STREET NAME CHANGE - TABLED - KERR TO CENTRE PLACE STREET

Mayor Garrison stated that the Planning & Zoning Commission had approved the preliminary street layout plan for Centre Place development and the City had requested an additional 20' of right-of-way along Church Street. Mayor Garrison stated that the developer of the project, Pete Ryan, had requested that this two (2) block section of Kerr Street be renamed Centre Place Street to make it easy to find the location of the development. Mayor Garrison stated that it had been suggested that Kerr Street be renamed conditional on the final development of the project. Mayor Garrison stated that he did not see why Kerr Street should be changed to Centre Place because it was named for a pioneer family in the area and Lufkin Bar-B-Que and the entrance to Safeway parking lot are on this section of Kerr Street. Commissioner Pat Foley stated that he was not interested in seeing the name changed.

City Manager Westerholm stated that Planning & Zoning Commission had recommended the name change after requesting additional 20' of right-of-way. City Planner Nick Finan stated that the Planning & Zoning Commission had suggested that Kerr Street be renamed because this section ended at Chestnut Village and if the street name and development name were alike, it would allow easy access to the development. Mr. Finan further stated that there are no addresses on this section of Kerr Street and the name change would aid the development.

Commissioner Louis Bronaugh stated that Kerr Street extends an additional seven (7) blocks after crossing Timberland so the entire Kerr Street would not be eliminated. Mayor Garrison stated that he would like to have input from Mr. Stringer, owner of Lufkin Bar-B-Que, in regard to the name change.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that item be tabled until further developments in the construction of Centre Place. A unanimous affirmative vote was recorded.

11. CIVIC CENTER USE FEES - POLICY CHANGES - APPROVED - DANCE & BANQUET FEES TO BE CONSIDERED AT LATER DATE

Mayor Garrison stated that a letter had been received from Curtis Montgomery, Director of the Lufkin Convention and Visitor Bureau, in regard to consideration of adjustments in the Civic Center fees and policies. Mayor Garrison recognized Curtis Montgomery who stated that the increase in the use fees would provide an additional \$12,000 to \$16,000 income based on the current useage of the Civic Center and the increase should be detrimental to the present users.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the Civic Center budget had lost money for the last two (2) years and because the Hotel-Motel Tax was increased the present budget should break even. City Manager Westerholm further stated that the increase in fees was not needed to balance this year's operation of the Civic Center.

Mr. Montgomery stated that many items in the Civic Center were purchased in 1976 when the building was completed and repairs were needed on some of this equipment. Mr. Montgomery stated that an increase in fees had not been granted during the years of operation and the Hotel-Motel Revenue should not be used for the entire upgrading of the Civic Center.

Commissioner Percy Simond stated that Ruth Brandenburg, new Civic Center Director, was doing a very good job but he had misgivings about charging the group that gives cheese and butter to the poor people of the City of Lufkin. Commissioner Simond stated that he would also question the additional rental charge made for the broadcast of an activity at the Civic Center.

Mr. Montgomery stated that the policies under which the Civic Center has been operated were developed in 1976 and were the only guidelines for operation of the Civic Center. Mr. Montgomery stated that he wanted to do what the City Commission authorized him to do and the City Board of Development which is appointed by the City Commission has notified him that he should charge for cleanup of the Civic Center after the chesse and butter give-aways. City Manager Westerholm stated that in the past he had made the decision not to charge the people who are giving away the cheese and butter, but the City Board of Development had stated that a cleanup fee would have to be charged and clarification was needed on this matter.

In response to question by Commissioner Don Boyd, Mr. Montgomery stated that the new fees would include the use of chairs and tables and would simplify charging for use of the Civic Center.

In response to question by Commissioner Percy Simond, Mr. Montgomery stated that the provision that the leasee should furnish a public liability insurance policy has not been enforced as well as the following provisions: a bond, floor plan being submitted ten days prior to event, move-in fees, half of the

rental provided prior to the function. Mr. Montgomery stated that his question was whether the rules should have exceptions or whether they should be enforced as written. Commissioner Percy Simond stated that if these rules had not been enforced in the past it would be difficult to enforce them at the present time. Mr. Montgomery stated that some users of the Civic Center had complied with the rules and some had not but he needed clarification as to whether changes should be made to the rules. Commissioner Percy Simond stated that he did not think that an insurance policy should be required. Mayor Garrison stated that the solution to the insurance would be for the City to buy a policy and charge the user on a pro rata basis. Mr. Montgomery stated that the majority of the useage of the Civic Center is from businesses and industries and with the increase in useage fees, the Lufkin Civic Center is below the average charge of other cities.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that fees be increased subject to further study of the charges for dances and banquets with the effective date of the increased fees being March 1st. The following vote was recorded: Aye: Mayor Garrison, Commissioners Bronaugh, Gorden, Foley Nay: Commissioners Simond, Malone and Boyd Mayor Garrison declared motion approved by a vote of 4 to 3.

Commissioner Don Boyd stated that it was not fair to charge the same amount of money for a banquet which required numerous chairs, tables and cleanup of food as a dance which would require very little setup and cleanup.

Mayor Garrison recognized Lisa Warner who stated that she was in charge of the Charity Ball which would be held at the Civic Center in the near future and she had been informed that the Lufkin Service League would owe an additional \$800.00 because of the increase in fees. Mrs. Warner stated that the budget for the Ball had been developed a year in advance. Mayor Garrison stated that if a contract had been signed for a specific amount the contract would be honored. Mrs. Warner stated that there has never been a contract signed earlier than one (1) week before the Ball, and was considered only a formality. Mrs. Warner further stated that the money earned by the Charity Ball is not used to pay for the expenses, but goes back into the community. Mrs. Warner stated that the Civic Center is rented for four (4) days with the organization being charged for only the night of the Ball, and while they were willing to pay the money, it had not been budgeted for this year. Mayor Garrison stated that the Service League should appreciate the fact that the City has allowed them to have the Civic Center for four (4) days and only charged for one (1) night. Mrs. Warner stated that she understood the City had been good to the organization in this respect, but the Service League also decorates the Civic Center for Christmas with their own funds. Mayor Garrison stated that if an exception were made for the Charity Ball, the same problem would be experienced with people who book the Civic Center annually and the booking is dependent on what the use fees are at the time of the event.

Commissioner Don Boyd stated that if the Service League has never signed a contract and was told that the price would be the same as last year the fee should not be increased. Mayor Garrison stated that if there was a contract, he did not have a problem with billing under the old fees but if it were merely a reservation, the event should pay the rate at the time it is rented.

12. REPORT APPROVED - DR. RALPH E. ROPER - HOWARD NEEDLES TAMAN AND BERGENDORF - SECOND OPINION - SEWER TREATMENT FACILITIES

PLANT

Mayor Garrison stated that the report by Dr. Ralph Roper had been received and discussed with Griffith Engineers and the Grants Division of the Texas Department of Water Resources concerning the impact of the modifications of the grant funding status. Mayor Garrison stated that the major issue was that the Griffith Engineers facility plan should substitute the belt filter press for the vacuum assisted sludge drying beds. Mayor Garrison stated that the Texas Department of Water Resources in Austin had informed the City of Lufkin that it would be possible to make this change provided the revised plans and specifications were submitted and approved by February 28, 1985. Mayor Garrison stated that he had received a letter from Griffith Engineers indicating that he did not agree with Mr. Roper on several issues and if the Roper second opinion was going to be challenged he should be present to defend himself in light of Jimmy Griffith's letter.

Jimmy Griffith stated that he had a concern because Mr. Roper had indicated there would be a \$825,000.00 worth of savings to the City when the net savings would be approximately \$20,000.00 because of the EPA construction grant language. Mr. Griffith further stated that the belt press will work as suggested by Mr. Roper but the City should be aware of what the net result would be in savings. Mayor Garrison stated that Jimmy Griffith had indicated that the City should spend the \$800,000.00 because the City will not have to pay as much of that amount due to the grant but it will increase engineering costs, and he was not in favor of going into any innovative programs.

Commissioner Percy Simond stated that Mr. Roper could come to Lufkin and he should be present when this was discussed. Jimmy Griffith stated that he did not disagree with Mr. Roper and that he was willing to accept all Mr. Roper's recommendations. Jimmy Griffith stated that the belt filter press was the second alternative listed by Griffith Engineers.

In response to question by Commissioner Jack Gorden, Jimmy Griffith stated that there would be some changes to the plans and specifications and additional paper work would be required but a figure not to exceed \$24,000.00, possibly less, should provide the additional cost.

Mayor Garrison stated that the second opinion by Mr. Roper should save the City of Lufkin money, and he was in favor of revising Griffith Engineers plan because they also agree with Mr. Roper.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that the plans, including revisions by Mr. Roper, proceed and Griffith Engineers be authorized to go forward quickly. A unanimous affirmative vote was recorded.

13. LOCATION OF ANGELINA STATUE APPROVED - LUFKIN CIVIC CENTER

Mayor Garrison stated that a letter had been received from Marge Beckham in regard to the location of a statue of Angelina at the Lufkin Civic Center. Mayor Garrison recognized Marge Beckham who stated that it would be a bronze statue placed in the front entrance courtyard in front of the large middle glass area where it would be highly visible, of a permanent nature, and would not interfere with any future plans for expansion of the Civic Center. Mrs. Beckham stated that a contest would be held for sculptors to submit designs and the location would allow them to plan their type of statue.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that statue of Angelina be authorized for placement as outlined by Marge Beckham. A unanimous affirmative vote was recorded.

In response to concern by Commissioner Pat Foley, Jonie Lawrence was present in the audience and stated that the sculptors have indicated that they want to use the present profile of Angelina with a study of the Indians of this area being done to determine the look of the statue.

14. BIDS AUTHORIZED - REPAIR - WATER WELL #12

Mayor Garrison stated that repairs are needed for water well #12 and a request had been received from Public Works Director Ron Wesch to invite bids indicating the amount needed to repair the problems.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that request for bids be prepared for distribution. A unanimous affirmative vote was recorded.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that the funds would be paid from unencumbered funds.

15. There being no further business for consideration, meeting adjourned at 8:30 P.M.



Pitser H. Garrison

Pitser H. Garrison, Mayor

Ann Griffin

Ann Griffin, City Secretary