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AGENDA
CITY COUNCIL MEETING
JANUARY 17, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Public Hearing on Railroad crossing. (Staff/Southern Pacific Representative)
5. Hear audit report by Lee Brittian with Axley & Rode (Staff & Axley & Rode)
6. Consider approving the Revise Substance Abuse Policy (Staff & City Attorney)
7. Open and award bids on Sewer Project (Staff)
8. Consider authorizing Diboll High School to assume operation of Pop Jordan Baseball Field (Staff)
9. Public Forum
10. Council Comments

Posted on Bulletin Board January 9, 1995, 9:10 A.M. at Diboll City Hall.

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Minutes of a regular City Council Meeting, Tuesday, January 17, 1995 (moved from January 16, 1995) 5:15 P.M. at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Dick Albrecht	Councilperson	
R. W. Ingram	Councilperson	
Kent Havard	Councilperson	
Don Hendrick	Councilperson	
Julie Horton	Councilperson	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Lee Brittain	Axley & Rode, CPA
Gary Smith	TSE Railroad
Ben Foshee	TSE Railroad
Edwin Quarrels	Free Press
Levy Ellison	
Roy Smith	
Fred Blakemore	Police Officer
Danny Ray	Chief of Police
Charles Maclin	Water & Sewer Superintendent
Earl Carr	Public Works Director
Cheryl Flood	DOT
Herbert Dickley	DOT
Joe Collmorgan	DOT

Item 1 & 2 Mayor Simms called the meeting to order and asked Roy Smith to give the invocation.

Item 3 Julie Horton made a motion to approve the minutes of December 12, 1994 Council Meeting and Don Hendrick seconded.

Voting For	Voting Agasinst
Dick Albrecht	None
R.W. Ingram	
Don Hendrick	
Kent Havard	
Julie Horton	

Motion carried unanimously.

Item 4 Mayor Simms opened public hearing on railroad crossings. Mayor Simms asked if railroad had problem like this before and what had been done. Mayor Simms explained existing problem of not being able to cross tracks for extended period of time. Roy Smith asked for remarks from Railroad Engineer from DOT suggested seek federal fund. Said no funds for railroad crossings (grade separations) available. Ben Foshee talked about trains stopping and blocking crossings and what is involved in moving train once been stopped for awhile. Mayor stated it seems should be some feasible way to break train and we could know which crossings would be open. Is it possible to keep main throughfares. Other citizens voiced input. Mr. Foshee agreed that crossings should be cut said he could issue order to break crossings when train is stopped for a period

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of time. Mayor Simms requested that Mr. Foshee come to next council meeting and tell us what he can do about the problem. Mr. Foshee said he would be glad to do what he can.

Item 5 Lee Brittain with Axley & Rode presented the annual audit for the City. Remarked that Lynn Montes retired. Reviewed opinion letter and opinion letter and stated that the audit was a good report. Reviewed segments of the audit report. Said did better then anticipated. Said city is in good financial condition. Has very healthy balance overall. Said have gone over with management and working to improve suggestions made. Councilperson Ingram asked if in good financial condition. Answer was yes. Said everything was properly accounted for and fully disclosed. Said was very clean audit. City Manager stated we appreciated a unqualified report.

Item 6 After discussion by City Manager and City Attorney, Councilpersons and Mayor, R.W. Ingram made a motion to approve the Revised Substance Abuse Policy and Kent Havard seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Don Hendrick	
Kent Havard	
Julie Horton	

Motion carried unanimously.

Item 7 After discussion Julie Horton made a motion to accept the low bid of $75,130.50 submitted by Oscar Crawford Construction for the Sewer Project to the new prison facilities and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Don Hendrick	
Kent Havard	
Julie Horton	

Motion carried unanimously.

Item 8 After discussion by City Manager and council, mayor and city attorney, and comments by councilpersons, R.W. Ingram made a motion to authorize Diboll High School to assume the operation and maintence and upkeep of Pop Jordan Baseball field based upon the school accepting offer and Dick Albrecht seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Don Hendrick	
Kent Havard	
Julie Horton	

Motion carried unanimously.

Item 9 Mayor Simms opened the floor for comments from the public. Levy

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MARCH 20, 1995

2nd Public Hearing - Annexation of Property Along Arlington Street Area

Earl Carr

Edwin Quarles

Dave Mantooth Jr.

Dave Mantooth Sr

Larry Cook

Dan Cook

Arthur Kilgore

Darrell Elliott

Bill Brown

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Dick Albrecht made a motion and Don Hendrick seconded to deny an application for a Specific Use Permit from Chantea Allen for a mobile home on the property of Ray Reed on N. Hendrix.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Julie Horton	
Don Hendrick	

Motion carried.

Item 5 After discussion Julie Horton made a motion to table this item until April meeting since Mr. Wayne Neal stated that he has not received the amended Cable agreement from his attorneys and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Julie Horton	
Don Hendrick	

Motion carried unanimously.

Item 6 Mayor Simms commented looked like what Southern Pacific said they was going to do has been done. Mr. Ben Foshee with Southern Pacific Railroad reported concerning length of time railroad crossings closed when train passing through town. Said reduced from 13 trains per week to 6 that meet in Diboll and have shortened length of train. Continue to work with problems. Never have all crossings blocked. Julie Horton complimented Mr. Foshee diligent work.

Item 7 Mayor Simms opened Public Hearing # 2 on Annexation of Arrington Street area property. City Manager discussed road to Darrell Roberts property and said will investigate easement given by Mr. Roberts to County. City Manager also commented on ordinance requirement to assess city sewerage on service is made available. Mayor Simms recommended we make exception for Mr. Kilgore to not have to connect until system fails. R. W. Ingram agreed.
Billy Sims, KSA commented about distance to Mr. Roberts residence. Mr. Sims repeated plan of services for annexed area. Questions by council about distance of fire plugs. Mayor Simms closed public hearing. See attached sheet.

Mayor Simms called council into Executive Session.

Item 8 After executive session and discussion. Kent Havard made a motion to approve Douglas Brittan Conn and Stuart Kyle Telford as Police Reserve Officers and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Julie Horton	
Don Hendrick	

Motion carried unanimously.

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Ellison asked about Maynard Street and suggested that withhold payments until progress is made. City Manager commented that current street will substantially completed before any other street construction started.

Item 10 Mayor Simms asked for council comments. Dick Albrecht asked if can keep medians clean within city limits. City Manager said will be corrected. Mayor Simms suggested Police Chief check with TDC about using prisoners.

There being no further business Don Hendrick made a motion to adjourn and Dick Albrecht seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Don Hendrick	
Kent Havard	
Julie Horton	

Motion carried unanimously and meeting adjourned at 6:37 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
FEBRUARY 20, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Hear Railroad Representative. (Southern Pacific)
5. Discuss Pop Jordan Baseball Field operations. (Staff)
6. Consider authorizing Task Force participation and ammending budget. (Staff/P.D.)
7. Consider recommendation for members of Parks Board. (Staff)
8. Appoint Parks Board Members. (Staff)
9. Call for general election for councilpersons and mayor for Mat 6, 1995. (Staff)
10. Authorize increasing auto mileage allowance to 30¢ per mile. (Staff)
11. Discuss sexually oriented business ordinance. (Mayor & Staff)
12. Authorize initiation of annexation proceedings on Arrington Street area property described by field notes and containing 67.661 acres and set two (2) public hearings for consideration of this annexation issue on Monday, March 13, 1995 and Monday, March 20, 1995 respectively to be held at 5:15 P.M. at Diboll City Hall at which time the utility service plan for the area will be reviewed and explained. (Staff & City Attorney)
13. Set council meeting for Monday, March 13, 1995 for public hearing for consideration of annexing Arrington Street area property. (Staff & City Attorney)
14. Discuss Time Table for Public Hearings and Ultimate consideration of the Annexation Issue. (Staff & City Attorney)
15. Authorize change order to 1994 Bond Street Improvement. (Staff)
16. Discuss Street Project. (Staff)
17. Discuss participation in Mud Creek Reservoir Project. (Staff)
18. Public Forum
19. Council Comments

POSTED ON BULLETIN BOARD FEBRUARY 13, 1995, AT 3:30 P.M., MONDAY, AT DIBOLL CITY HALL.

Minutes of a regular City Council Meeting, Monday, February 20, 1995, 5:15 P.M. at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilperson	
Kent Havard	Councilperson	
Julie Horton	Councilperson	
Don Hendrick	Councilperson	
Dick Albrecht	Councilperson	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Gary Wilmon	Free Press
Earl Carr	Public Works Director
Nathan Cayton	
Charles Maclin	Water & Sewer Superintendent
Bill Brown	
Arthur Kilgore	
Bob Thurber	KSA
Levy Ellison	
Danny Ray	Chief of Police
Jimmy Lenderman	Sgt.
Beauford Chapman	
Billy Sims	KSA
Buddy Standland	Task Force

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Julie Horton made a motion to approve the minutes of January 17, 1995 council meeting and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 4 Item was tabled until March 13, 1995 council meeting as Mr. Foshee was unable to attend today's meeting. Mayor Simms made a comment that railroad seems to be trying to work on problem.

Item 5 Pop Jordan Baseball field operation.
City Manager discussed meeting with school officials and agreement reached to prepare fields for play and making repairs needed. Any cost above the $5,000. donated by Booster Club will be split 50-50 between school and city. School will pay electric bill during baseball season and city pay rest of year. Levy Ellison stated this was contingent upon school board approval. Appears only major expense will be light poles.

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Item 6 After discussion by City Manager, Councilpersons and Mayor, Dick Albrecht made a motion to authorize the resolution for the City participating in the Task Force in the amount of $13,900. to provide matching funds to be paid to the Task Force and the city to try to secure from Foundation. Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 7 Recommendation of parks board for the following members was considered. Harold Maxwell, Bill Fulmer, David Kellum and Roberts Ramsey for reappointment this month and Milford Ruby, Nan Miller, Ken Holt and Paul Saurez for next month after discussion by City Manager and discussed needs of baseball complex improvement list. Kent Havard made a motion to accept Parks Board recommendations and Don Hendrick seconded.

Voting For	Voting Against
R. W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 8 Don Hendrick made a motion to appoint Harold Maxwell, Bill Fulmer, David Kellum and Robert Ramsey to the Parks Board for 2 year terms and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 9 Dick Albrecht made a motion for Mayor Simms to call for general election to elect mayor and councilmen on May 6, 1995 and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 10 After discussion Julie Horton made a motion to authorize increasing the auto mileage allowance for employee use of personal vehicle for city business to 30¢ per mile and Kent Havard seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 11 Mayor Simms discussed reasons for need to take action concerning sexually oriented businesses.Suggested City Attorney check with Lufkin concerning their progress. Police Chief commented that others are interested. Other comments supported propositions. Mayor would like for us to be more stringent then other cities. City Attorney to get sample ordinances. Mayor like to know limits.

Item 12 After discussions and explanation by City Attorney, Don Hendrick made a motion to authorize initation of annexation proceedings on Arrington Street property and Julie Horton seconded.

Voting For	Voting Against
Kent Havard	None
Julie Horton	
Don Hendrick	Abstaining
Dick Albrecht	
	R.W. Ingram

Motion carried.

Item 13 Julie Horton made a motion to set next council meeting for Monday, March 13, 1995 & March 20, 1995 for public hearing for consideration of annexing Arrington Street area property and Kent seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 14 Covered in Item 12.

Item 15 After discussion by City Manager and Bob Thurber, KSA and questions by council Julie Horton made a motion to authorize change Order No. 1 to 1994 Bond Street Improvement - Phase II in the amount of $27,304.37 increase and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None

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Kent Havard
Julie Horton
Don Hendrick
Dick Albrecht

Motion carried unanimously.

Item 16 DISCUSS STREET PROJECT
Item # 15 covered this.

Item 17 MUD CREEK RESERVOIR PROJECT
City Manager discussed Mud Creek Reservoir Project and recommended that city not participate. Council concensus was to not participate.

Item 18 PUBLIC FORUM
Danny Ray stated grant for COPS FAST has been approved for one officer. Trying to find out how program works. Said progress day at a time. If proceed will put officer on community patrol.

Item 19 COUNCIL COMMENTS
Don Hendrick asked who owned land Kirk Auto Parts, said looks bad with old school buses out there.

There being no more business Don Hendrick made a motion to adjourn and Julie Horton seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried and meeting adjourned at 6:27 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CALLED CITY COUNCIL MEETING
MARCH 13, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Discuss City becoming member of Better Business Bureau (Staff)
5. Appoint election Judge and Alternate Judge (Staff)
6. Authorize going out for bids for garbage bags (Staff)
7. Authorize increasing Cable Television Franchise Fee to 5% (Staff & Wayne Neal)
8. Appoint Parks Board Members (Staff)
9. Public Hearing for Annexation (Staff & City Attorney)
10. Discuss Grant to be presented by Police Chief (Staff & Police Chief)
11. Consider appointing Reserve Police Officer (Staff)

Executive Session

1. Discuss Police Department Personnel, Texas Open Meeting Act, Texas Government Code, Sec. 551.074
   Discussing personnel or to hear complaints against personnel

   1. Discuss approving three new Reserve Police Officers

Posted on Bulletin Board Tuesday, March 7, 1995, at 9:40 A.M., at Diboll City Hall.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Called City Council Meeting, Monday, March 13, 1995, 5:15 P.M. at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilperson	
Kent Havard	Councilperson	
Julie Horton	Councilperson	
Don Hendrick	Councilperson	
Dick Albrecht	Councilperson	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Gary Wilmon	Free Press
Danny Ray	Chief of Police
Charles Maclin	Water & Sewer Superintendent
Bill Brown	
Billy Sims	KSA
Wayne Neal	Cablecom
Jason Burrous	Police Officer
Guy Anthony	Police Officer

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Don Hendrick made a motion to approve the minutes of the February 20, 1995 council meeting and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 4 After discussion by City Manager and council Dick Albrecht made a motion that the city not become a member of the Better Business Bureau amd Julie Horton seconded.

Voting For	Voting Against
Dick Albrecht	Don Hendrick
Julie Horton	
Kent Havard	Abstain
	R.W. Ingram

Motion carried.

Item 5 After discussion by City Manager, Kent Havard made a motion to appoint Mr. Robert Ramsey as Election Judge and Mr. E.F. Hendrick as Alternate Election Judge for the May 6, 1995 election for councilmen and mayor and Julie Horton

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seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 6 After discussion by City Manager, Dick Albrecht made a motion to authorize going out for bids for 7,500 boxes (2,500 clear and 5,000 black) of garbage bags at 50 bags per box and Kent Havard seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 7 City Attorney, Jimmy Cassels discussed cable agreement and asked questions about agreement and council and city manager discussed. Wayne Neal explained length of agreement. Mr. Neal will have updated agreement for next meeting. R.W. Ingram made motion to table and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried.

Item 8 After discussion by City Manager,Don Hendrick made a motion to appoint Milford Ruby, Nan Miller, Ken Holt, Mike Smith and Gandy Stubblefield to the Parks Board for a two year term and Kent Havard seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 9 Mayor Simms opened Public Hearing for annexation of proposed property in the Arrington Street area and Billy Sims of KSA presented the service plan after discussion by City Manager (copy attached). Mayor Simms closed Public Hearing.

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Item 10 Police Chief Danny Ray presented material concerning a grant from the Federal Government entitled COPS MORE.
Dick Albrecht made a motion to authorize pursuing grant and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried.

At this point, Mayor Simms called council into executive session. Mayor Simms called council back into open session. No votes were cast and no action was taken in executive session. Minutes of the executive session and a certified agenda are kept in the city vault locked in a lock box.

Item 11 After returning into open session from executive session Kent Havard made a motion to appoint Matthew Glen Mitcheltree; Michael Alan Seale; Jesse Madrigal and Aubrey Morris Huggins as Reserve Police Officers and Julie Horton seconded. Mayor Simms welcomed new reserves to the force.

Voting For	Voting Against
R.W. INgram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried unanimously.

Item 12 PUBLIC FORUM
No additional comments.

Item 13 COUNCIL COMMENTS
No comments

There being no further business Don Hendrick made a motion to adjourn and R.W. Ingram seconded.

Voting For	Voting Against
R.W.Ingram	None
Kent Havard	
Julie Horton	
Don Hendrick	
Dick Albrecht	

Motion carried and meeting adjourned at 6:56 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
MARCH 20, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Consider recommendation from Planning & Zoning Commission (Staff)
5. Renew Cable Franchise agreement with Cablecom (Staff & Wayne Neal)
6. Hear Ben Foshee with Southern Pacific Railroad (Staff)
7. Public Hearing on Annexation (Staff & City Attorney)
8. Consider appointing Reserve Officers (Staff)
9. Public Forum
10. Council Comments

Executive Session

1. Discuss Police Department Personnel, Texas Open Meeting Act, Texas Government Code, Sec. 551.074
   Discussing personnel or to hear complaints against personnel

POSTED ON BULLETIN BOARD TUESDAY, MARCH 14, 1995 AT 2:10 P.M., AT DIBOLL CITY HALL

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, Monday, March 20, 1995, 5:15 P.M. at Diboll City Hall.

Present	Absent
James P. Simms	Mayor
Dick Albrecht	Councilperson
R.W. Ingram	Councilperson
Kent Havard	Councilperson
Julie Horton	Councilperson
Don Hendrick	Councilperson

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Edwin Quarrels	Free Press
David Martinez Jr.	
Ben Foshee	Southern Pacific
David Martinez Sr.	
Bill Brown	
Earl Carr	Public Works Director
Darrell Roberts	
Arthur Kilgore	
Billy Sims	KSA
Danny Ray	Chief of Police
Larry Cook	
Pam Cook	

Item 1 & 2 Mayor Simms called the meeting to order and asked Lanny Parish to give the invocation.

Item 3 Kent Havard made a motion to approve the minutes of the March 13, 1995 Called City Council Meeting and Dick Albrecht seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Julie Horton	
Don Hendrick	

Motion passed unanimously.

Item 4 After discussion by City Manager, Don Hendrick made a motion to approve the Planning and Zoning Commissions recommendatins to renew a Specific Use Permit for Jason Cook based upon hardship for 6 more months and Dick Albrecht seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Julie Horton	
Don Hendrick	

Motion carried.

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April 17, 1995

803 A.S. Davis
Diboll, Texas 75941

Diboll City Council:

We are requesting to be exempt from connecting to the city sewer system when annexed into the city limits. The reason for requesting this exemption is we own a one year old state and county approved aerated septic system.

If for any reason we feel we need to request connection, the only fees that can be imposed are the ones charged to the other residents being annexed at this time.

Thank you for considering this request.

Sincerely,

Arthur + Nelda Kilgore

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ITEM 5
Ms. Morgan did't appear.
Passed on this item.

Item 6 After reviewing a letter received from Arthur and Nelda Kilgore requesting to be exempted from sewerage connection requirements in the new annexed property in the Arrington Street area and comments by City Attorney, Jimmy Cassels. R.W. Ingram made a motion to grant the exemption with the following stipulations: current tap fee $75.00; exempt for two years and each year thereafter submit certification from Health Department for sewer system and Dick Albrecht seconded. (See attached letter)

Voting For	Voting Against
Don Hendrick	None
Dick Albrecht	
R.W. Ingram	
Julie Horton	
Kent Havard	

Motion carried unanimously.

Item 7 After discussion by Jimmy Cassels, City Attorney, Dick Albrecht made a motion to approve annexation of Arrington street property and Julie Horton seconded.

Voting For	Voting Against	Abstaining
Dick Albrecht	None	R.W. Ingram
Don Hendrick		
Julie Horton		
Kent Havard		

Motion carried.

Item 8 After comments concerning the recommendations of the P & Z Commission to approve an application for a Specific Use Permit for 6 months from Ms. Ruby Barber to place a mobile home at 200 S. Hendrix. Dick Albrecht made a motion to deny the request and R.W. Ingram seconded.

Voting For	Voting Against	Abstaining
Dick Albrecht	None	Don Hendrick
R.W. Ingram		
Julie Horton		
Kent Havard		

Motion carried.

Item 9 Jimmy Cassels, City Attorney opened and tabulated bids received for garbage bags as follows:

	2500 Black Garbage Bags	2,500 Blue w/out Print	2,500 Blue with Print
Bemis Co	$5,656.25	$10,290.00	$10,675.00
Arrow Ind.	$2.73/Roll	$3.95/Roll	$3.95/Roll
Poly-America Inc.	.222/Bag	.222/Bag	.222/Bag
Coating & Laminating	$5,825.00	$13,175.00	No Bid

Kent Havard made a motion to approve the low bid of $5,656.25 from Bemis Co. for 2,500 boxes of black garbage bags and $9,875.00 from Arrow Ind. for 2,500

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There were no decisions made and no votes cast in executive session. The certified agenda and minutes of executive session are in the city's vault in a lock box. Mayor Simms reconvened council in open session.

Item 9 PUBLIC FORUM
No additional comments.

Item 10 COUNCIL COMMENTS
Dick Albrecht had complaints about home on Booker Street that had no electricity or water connected to house. Danny Ray stated were in process of talking with occupant. Other councilpersons voiced concerns.

There being no further business R.W. Ingram made a motion to adjourn and Dick Albrecht seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Julie Horton	
Don Hendrick	

Motion carried and meeting adjourned at 6:14 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CALLED CITY COUNCIL MEETING
APRIL 4, 1995
LOTTIE & ARTHUR TEMPLE CIVIC CENTER
6:00 P.M.

1. Call to Order

2. Invocation

3. Hear request on Property Appraisal Valuation (Staff & Charles Stone)

Posted on Bulletin Board Monday, March 27, 1995 at 9:15 A.M., at Diboll City Hall.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Called City Council Meeting, April 4, 1995, 6:00 P.M. at Lottie and Arthur Temple Civic Center.

Present		Absent
James P. Simms	Mayor	Dick Albrecht
Don Hendrick	Councilperson	
Kent Havard	Councilperson	
Julie Horton	Councilperson	
R.W. Ingram	Councilperson	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney

See attached Register

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 After comments and welcome by Mayor Simms, Mr. Bill Shanklin, County Tax Assessor-Collector addressed audience. Disagree with Charles Stone changing methodology of appraisal at this time. Said in long-run probably be o.k. Said new appraisal will allow double dipping by schools.
Mr. Charles Stone, Chief Appraiser, Angelina County Tax Appraisal District addressed the council and audience. Gave overview of Appraisal District 1979 Appraisal established. Said property must be appraised at 100 % ratio, F M V governed by 9 member board. Mandate to reappraise school district. If local value (appraisal district) and property tax division value close school district receive most or full funding available. If discrepancy exists, school district will not receive full funding from state. One area consistently came in low - Category "A"- single family dwellings (residence)- low 80-90 percentile.
Primary problem was in depreciation. Said he made the change in depreciation. For example ten year old house, said drove by and looked at house and estimated effective age. May be 20 years old and have effective age of 30 years. Said look at reappraisal received in May and see if fair market value. If disagree go to appraisal district.

Robert Squares asked how long take to sell property at value assigned?
Think bring what property valued?
Apprasial to Sales Ratio 80 % Ratio
80,000 100,000

Levy Ellison asked what option does tax payer have to combate tax rate. -
Mr. Stone stated have right of "Rollback."
Since 1993 school district must hold rollback election.

Stone said he is mandated to apply 100 % ratio.
Charles Stone said he will decrease depreciation to increase values.
$600 M (88 %) current value of residence in county. $60 M increase if 80 to 95 % MV applied

Meeting adjourned at 7:26 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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Jessy & Lavonne Scarborough
Milton Capps
Linwood Johnson
William C. Register
Nelson Grimes
Curtis Grimes
Earline Grimes
Raymond Lenderman
Sophie Lenderman
DAVE MARTINEZ, JR.
Dave martinez Jr
Virgil Howard
Melvin Linton
Ed Hendrick
gary willmon
[illegible]
[illegible]
[illegible]
Leonard Grimes
Robert Sawyer
Bob [illegible]
[illegible]
Lanny Parish
[illegible]
Sandra Pauley
John Pauley
Sam Coleman Jr
Albert H. & Bettye Cook
[illegible]
Gaylon Wright

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(15)

Jim Risinger.
Alonzo Young
Mary [illegible]
W J C Bill Pate
Sam Braden
Jack L. Lee
Elmer Havard
Kent Havard
Kevin Swor
Billy Darlene Sandrum
Rolston McDuffie
Julie Norton
Sue Robert
Felix R Tamez
#47 Russell Hammonds
Thomas Cupit
James Jones
Leroy R Ellis

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Minutes of a Regular City council Meeting, Monday, April 17, 1995, 5:15 P.M. at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Don Hendrick	Councilperson	
Dick Albrecht	Councilperson	
R.W. Ingram	Councilperson	
Julie Horton	Councilperson	
Kent Havard	Councilperson	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Gary Wilmon	Free Press
Mr & Mrs Hendrick	
Wayne Neal	Cablecom
Earl Carr	Public Works Director
Danny Ray	Chief of Police
Darrel Roberts	
Andy Archer	
Arthur Kilgore	
Bill Brown	
Ruby Blalock Barber	

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Don Hendrick made a motion to approve the minutes of March 20, 1995 and April 4, 1995 City Council Meetings and Julie Horton seconded.

Voting For	Voting Against
Don Hendrick	None
Dick Albrecht	
R.W. INgram	
Julie Horton	
Kent Havard	

Motion carried unanimously.

Item 4 After discussion by Mayor Simms, City Manager, City Attorney, Councilpersons and Wayne Neal with Cablecom,Julie Horton made a motion to approve franchise and Don Hendrick seconded.

Voting For	Voting Against
Don Hendrick	Kent Havard
Dick Albrecht	
Julie Horton	
R.W. Ingram	

Motion carried.

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blue garbage bags with print and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Julie Horton	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

Item 10 After discussion by City Manager, City attorney, KSA, and Councilman Dick Albrecht made a motion to approve the service plan for utilities to the annexed area property on Arrington Street and Julie Horton seconded.

Voting For	Voting Against	Abstaining
Don Hendrick	None	R.W. Ingram
Dick Albrecht		
Julie Horton		
Kent Havard		

Motion carried.

Item 11 PUBLIC FORUM

None

LATE ITEM

After discussion Kent Havard made a motion to reappoint Roy Smith and Stacey Cook to the Housing Authority Board and R.W. Ingram seconded.

Voting For	Voting Against
Don Hendrick	None
Dick Albrecht	
R.W. Ingram	
Julie Horton	
Kent Havard	

Motion carried unanimously.

Item 12 COUNCIL COMMENTS

Council asked about cleanup at home on Booker. Police chief Ray updated progress. Chief Ray to check again. Jimmy Cassels, City Attorney made suggestions.

There being no further business Don Hendrick made a motion to adjourn and R.W. Ingram seconded.

Voting For	Voting Against
Don Hendrick	None
Dick Albrecht	
R.W. Ingram	
Julie Horton	
Kent Havard	

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Motion carried and meeting adjourned at 6:58 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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Minutes of a Called City Council Meeting, Monday, May 8, 1995, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Dick Albrecht	Councilperson	
Kent Havard	Councilperson	
Don Hendrick	Councilperson	
Julie Horton	Councilperson	
R.W. Ingram	Councilperson	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Danny Ray	Chief of Police
Sam Coleman	
Earl Carr	Public Works Director
James McGuire	
Levy Ellison	

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 A canvass of the votes cast in the May 6, 1995 General Election for the City of Diboll and the following results was tabulated and accepted as follows:

James P. Simms	Mayor	250
Kent Havard	Councilman	209
Sam Coleman	Councilman	203
Julie Horton	Councilman	185

R.W. Ingram made a motion to accept the results as presented by the Election Judge and Dick Albrecht seconded.

Voting For	Voting Against
Kent Havard	None
Julie Horton	
Don Hendrick	
Dick Albrecht	
R.W. Ingram	

Motion carried unanimously.

There being no further business R.W. Ingram made a motion to adjourn and Don Hendrick seconded.

Voting For	Voting Against
Kent Havard	None
Julie Horton	
Don Hendrick	
Dick Albrecht	
R.W. Ingram	

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Motion carried and meeting adjourned at 5:27 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
MAY 15, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Swear in Mayor & Councilmen (Staff)
5. Appoint Mayor Pro-Tem (Staff)
6. Appoint Judge (Staff)
7. Set zoning requirements for the 67.661 acres annexed in April. Said property is located off Arrington Road in Diboll. (Staff & City Attorney)
8. Consider and authorize purchasing General Liability, Property, Automobiles, Law Enforcement, Errors and Omissions, Mobile Equipment and Electronic Data Equipment from T M L. (Staff & Roger Johnson)
9. Consider approving Parks Boards recommendations for increasing Golf Course Fees. (Staff)
10. Hear John Sloan concerning partial closure and purchasing on B Street. (Staff & John Sloan)
11. Discuss new jail services. (Councilman Albrecht & Staff)

EXECUTIVE SESSION:

Under the authority of Texas Open Meetings Act, Texas Government Code Section 551.001, the council during the course of the meeting covered by this notice, may enter into closed or executive session for the following reasons:

Section 551.071 Private consulation with the City's attorney
1. To discuss tax status of new jail and possible litigation.

Posted on Bulletin Board Tuesday, May 9, 1995 at 11:00 A.M. at Diboll City Hall.

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Minutes of a Regular City Council Meeting, Monday, May 15, 1995, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Dick Albrecht	Councilman	
R.W. Ingram	Councilman	
Kent Havard	Councilman	
Sam Coleman	Councilman	
Don Hendrick	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Gary Wilmon	Free Press
Felton Burt	
Danny Ray	Chief of Police
Roger Johnson	T M L
Earl Carr	Public Works Director
Julie Horton	
Jimmy Lenderman	Sgt. Diboll P.D.

Item 1 & 2 Mayor Simms called the meeting to order and asked Earl Carr to give the invocation.

Item 3 Dick Albrecht made a motion to approve the minutes of April 17, 1995 council meeting and May 8, 1995 called city council meeting and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Sam Coleman	
Don Hendrick	

Motion carried unanimously.

Item 4 Jimmy Cassels, City attorney administered the oath of office to re-elected Mayor James Simms, re-elected Councilman Kent Havard and newly elected Councilman Sam Coleman, Sr.

At this time Mayor Simms presented Mrs. Julie Horton an appreciation plaque for service on the city council.

Item 5 Don Hendrick made a motion to appoint Kent Havard as mayor pro-tem for this year and R.W. Ingram seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Sam Coleman	
Don Hendrick	

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Motion carried unanimously.

Item 6 Don Hendrick made a motion to appoint J.B. McConnico as city judge to the term coincided with the mayor's term and Dick Albrecht seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Sam Coleman	
Don Hendrick	

Motion carried unanimously.

Item 7 (Moved from Item 10) Corner of 2nd & B St.
After hearing John Sloan, Attorney and discussion by Jimmy Cassels, City Attorney amd staff, R.W. Ingram made a motion to obtain an appraisal and a survey of property at corner of 2nd & "B" Street and abandon and sell to Mr. Felton Burt, and Sam Coleman seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Sam Coleman	
Don Hendrick	

Motion carried unanimously.

Item 8 (Moved from Item 7)
After discussion by City Manager and Jimmy Cassels, City Attorney, Dick Albrecht made a motion to set the zoning for the annexed 67.66 acres located off Arrington Road as (SF-2) Single family dwelling detached and Sam Coleman seconded.

Voting For	Voting Against	Abstaining
Dick Albrecht	None	R.W. Ingram
Kent Havard		
Sam Coleman		
Don Hendrick		

Motion carried.

Item 9 (Moved from Item 8)

After discussion Kent Havard made a motion to purchase general liability, property, automobile, law enforcement, errors and omissions, mobile equipment and electronic data insurance for the city from Municipal League Intergovermmental Rick Pool and Sam Coleman seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Dick Albrecht	
Sam Coleman	
Don Hendrick	

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Motion carried unanimously.

Item 10 (Moved from Item 9)
After discussion R.W. Ingram made a motion to approve the Parks Board recommendation to increase fees at Neches Pine Golf Course to the following:

Weekend Green Fees $20.00
All Annual memberships increased by $35.00

and Sam Coleman seconded.

Voting For	Voting Against
R.W. Ingram	Kent Havard
Sam Coleman	Dick Albrecht
Don Hendrick	

Motion carried.

Item 11 Services which the jail is to use from local business were discussed by City manager and staff and council along with other aspects of the operations of the system. Suggested by Don Hendrick to have officers come and explain to council why didn't honor insinuations of service.

At this time Mayor Simms called the council into executive session. No decisions were made and no votes were cast in executive sessions. A certified agenda is locked in the city's vault in a lock box.

At this time Mayor Simms called the council back into open session.

There being no further business R.W. Ingram made a motion to adjourn and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman	
Don Hendrick	
Kent Havard	
Dick Albrecht	

Motion carried and meeting adjourned at 6:44 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
JUNE 19, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Hear officials from U.S. Corrections Corporation (Staff & U.S.C.C.)
5. Approve one Reserve Police Officer (Staff & P.D.)
6. Public Forum
7. Council Comments

EXECUTIVE SESSION:

Under the authority of Texas Open Meeting Act, Texas Government Code Section 55.001 et, seq., the Council during the course of the meeting covered by this notice,may enter into closed executive session for the following reason:

Sec. 551.074 - Discussing personnel or to hear complaints against personnel.

1) Discussing personnel or to hear complaints against personnel at Diboll Police Department.

2) Discuss approving one Reserve Police Officer.

Posted on Bulletin Board Monday, June 12, 1995 at 2:30 P.M. at Diboll City Hall.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, Monday, June 19, 1995, 5:15 P.M., at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	Sam Coleman
R.W. Ingram	Councilman	
Kent Havard	Councilman	
Don Hendrick	Councilman	
Dick Albrecht	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Don Stewart	U.S. Corrections Corp.
Dave Martinez, Sr.	
Dave Martinez, Jr.	
Charles Maclin	Water & Sewer Superintendent
Gary Wilmon	Free Press Editor
Danny Ray	Chief of Police

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Don Hendrick made a motion to approve the minutes of the previous council meeting and Kent Havard seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Don Hendrick	
Dick Albrecht	

Motion carried.

Item 4 Officials from U.S. Corrections Corp.
Don Stewart, Warden of Diboll U.S.C.C prison made remarks. Mayor Simms complimented new prison facility. City Manager suggested recap of facilities. Mr. Stewart said of 110 employees some 70-80 from Angelina County. City Manager made comments concerning payment-in-lieu of taxes since prison is non-profit organization and tax exempt. Explained status of non-profit organization and that Mr. Stewart worked to get payment-in-lieu of taxes for entities. U.S.C.C. offered to contribute $70,000. in lieu-of-taxes and entities met and the pro-rata share of the $70,000. was divided according to the ad valorem tax rate of each entity. Councilman Albrecht asked questions and voiced disappointment concerning purchase of products locally by U.S.C.C. Mr. Stewart responded about concern with economics of purchasing. Mayor Simms would like to see more use of inmate labor. Warden Stewart said would cooperate when possible. City Manager said committee be formed to outline projects.

Item 5 Reserve Police Officer
Kent Havard made a motion to approve Shonda Davis as Reserve Police Officer and R.W. Ingram seconded.

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Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Don Hendrick	
Dick Albrecht	

Motion carried.

At this point, Mayor Simms called the council into executive session.

Mayor Simms reconvened council in open session. No votes were cast and no decisions were made in executive session and a certified agenda are kept in a lock box in the city's vault.

Item 6 PUBLIC FORUM
Mayor asked for input.
Dave Martinez asked about lot on Deveraux. City Manager said man buying property and hauling off trash.
City attorney said we have weedy lot ordinance and rubbish ordinance.

Item 7 COUNCIL COMMENTS
R.W. Ingram asked about time frame on median and Arrington Street. City Manager stated no deadline on median and 90 days on Arrington from start. Don Hendrick asked about some weedy lots on Saxton. City Manager said will do what we can do legally. R.W. Ingram suggested get lot on Deveraux cleaned up and send statement for work.

There being no further business R.W. Ingram made a motion to adjourn and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Don Hendrick	
Dick Albrecht	

Motion carried and meeting adjourned at 6:42 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
JULY 17, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Public Forum
5. Council Comments
6. Appoint Police Reserve Officer (Staff)

Executive Session:

Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001 et, seq., the Council during the course of the meeting covered by this notice, may enter into closed executive session for the following reason:

Sec. 551.074 - Discussing personnel or to hear complaints against personnel.

1) Discuss appointing Reserve Police Officer

2) Discussing personnel or to hear complaints against personnel at Diboll Police Department.

Posted on Bulletin Board Monday, July 10, 1994 at 2:30 P.M. at Diboll City Hall.

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Minutes of a Regular City Council Meeting, Monday, July 17, 1995, 5:15 P.M., at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	R.W. Ingram
Don Hendrick	Councilman	Kent Havard
Sam Coleman	Councilman	
Dick Albrecht	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Edwin Quarrels	Free Press
Dave Martinez, Sr.	
Dave Martinez, Jr.	
Jimmy Lenderman	Police Department
Danny Ray	Chief of Police
Earl Carr	Public Works Director
John & Tammy Tatum	

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Dick Albrecht made a motion to approve the minutes of the June 19,1995 council meeting and Sam Coleman seconded.

Voting For	Voting Against
Dick Albrecht	None
Sam Coleman	
Don Hendrick	

Motion carried.

At this time Mayor Simms called council into executive session.

Mayor Simms reconvened council in open session. No decisions were made and no votes were taken in executive session. Minutes and a certified agenda are stored in a lock box in the city's vault.

Item 4 PUBLIC FORUM
Tammy Tatum addressed council concerning curb and gutters on Arrington. Stated concern about ditches. Wanted to know why told one thing and something different done. Mayor Simms responded. John Tatum asked about false representation. Dick Albrecht made comments. Tatum's also asked about sewer time frame. Earl Carr responded. Questions concerning street completion date was asked. Should be 90 days from start. Dave Martinez, Jr. expressed appreciation for mowing weedy lots. Asked about intersection of Hwy. 59 amd Loop 210 congestion.

Item 5 COUNCIL COMMENTS

Item 6 Dick Albrecht made a motion to approve Barry Saucier as Diboll Police Reserve Officer and Sam Coleman seconded.

Voting For	Voting Against
Sam Coleman	None

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Dick Albrecht
Don Hendrick

Motion carried.

There being no further business Don Hendrick made a motion to adjourn and Sam Coleman seconded.

Voting For	Voting Against
Sam Coleman	None
Dick Albrecht	
Don Hendrick	

Motion carried and meeting adjourned at 5:48 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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CALLED CITY COUNCIL MEETING
TUESDAY, AUGUST 8, 1995
5:15 P.M.; CITY HALL

1. CALL TO ORDER
2. INVOCATION
3. BUDGET WORKSHOP

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, AUGUST 3, 1995 AT 11:05 A.M.

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Minutes of a Called City Council Meeting, Tuesday, August 8, 1995, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Sam Coleman	Councilman	
Kent Havard	Councilman	
Don Hendrick	Councilman	
Dick Albrecht	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Charles Maclin	Water & Sewer Superintendent
Javier Guajardo	
Danny Ray	Chief of Police
Earl Carr	

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 BUDGET WORKSHOP
Mayor Simms opened budget workshop. City Manager summarized budget preparation and gave council a copy of the budget to review and prepare to consider for approval at next council meeting. Council made comments and mayor suggested to contact city manager if have any questions.

There being no further business, R.W. Ingram made a motion to adjourn and Sam Coleman seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman	
Kent Havard	
Don Hendrick	
Dick Albrecht	

Motion carried and meeting adjourned at 5:43 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
AUGUST 21, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Consider Rate increase by Entex (Staff & Entex)
5. Approve ordinance adopting the 1995-96 Budget (Staff)
6. Approve ordinance adopting the M & O Rate at .285990 (Staff)
7. Approve ordinance adopting the I & S Rate at .163475 (Staff)
8. Discuss status of Water Storage System (Staff & KSA Engineers)
9. Public Forum
10. Council Comments

POSTED ON BULLETIN BOARD MONDAY, AUGUST 14, 1994 AT 2:30 P.M. AT DIBOLL CITY HALL.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, Monday, August 21, 1995, 5:15 P.M., at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Dick Albrecht	Councilman	
Sam Coleman	Councilman	
Don Hendrick	Councilman	
Kent Havard	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Edwin Quarrels	Free Press
Bill Brown	
Charles Maclin	Water & Sewer Superintendent
Billy sims	KSA Engineer
Eddie Overhultz	Entex
Danny Ray	Chief of Police

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Sam Coleman made a motion to approve the minutes of the called city council meeting on August 8, 1995 and also the minutes of the regular city council meeting on July 17, 1995 and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman	
Don Hendrick	
Kent Havard	

Motion carried unanimously.

Item 4 Mr. Eddie Overhultz, Manager, Entex addressed the council concerning increasing rates in the City of Diboll. Said been 8 years since last increase. Asking council to approve increase.
Don Hendrick made motion to approve increase and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman	
Don Hendrick	
Kent Havard	

Motion carried unanimously.

Item 5 Sam Coleman made a motion to approve the ordinance adopting the 1995-96 Budget for the City of Diboll and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman	
Don Hendrick	
Kent Havard	

Motion carried unanimously.

Item 6 Dick Albrecht made a motion to approve the ordinance adopting the M & O Rate at .285990 for the 1995-96 City of Diboll Budget and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman	
Don Hendrick	
Kent Havard	

Motion carried unanimously.

Item 7 R.W. Ingram made a motion to approve the ordinance adopting the I & S Rate at .163475 for the 1995-96 City of Diboll Budget and Don Hendrick seconded/

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Colemen	
Don Hendrick	
Kent Havard	

Motion carried unanimously.

Item 8 Billy Sims with KSA Engineers addressed the council concerning the status of the city's water storage system. Explained the deteriorated condition of the storage tanks and the need to repair as soon as possible. Recommended specific actions of repairs for each tank to comply with TNRCC requirements.

Item 9 PUBLIC FORUM
No comments.

Item 10 COUNCIL COMMENTS
Don Hendrick commented on Mendoza house.

There being no other business R.W. Ingram made a motion to adjourn and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman	
Don Hendrick	
Kent Havard	

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Motion carried unanimously and meeting adjourned at 6:30 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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Walker's Prop Shop
1099 North Temple
Diboll, TX 75941
(409) 829-3180

September 13, 1995

Dear Sirs,

Please be aware that I, Brad Walker, owner of Walker's Prop Shop, would like to be on the adgenda, for the next upcoming town meeting.

I have recently purchased the Weisinger building, and am in need of water service. There is water in the adjacent property, some 100 feet away.

I would like to stress that I am the only person that would be using this facility, as far as water and sewer services. There would be a minimal amount of water used each month.

If you would, also consider that I have been a resident and business owner in Diboll for nearly four years. I am the father of four children, all of which attend Dibool Independant Schools. I support this community, and would appreciate you attention on this matter as soon as possible.

Sincerely,

Brad Walker

Brad Walker

WBW:mcw

cc: James Sims

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Dear Sirs:

I am requesting to have services outside the city limits. I recently moved here to Diboll because my job is here.

Edmon Fussell

Sept. 18

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AGENDA
CITY COUNCIL MEETING
SEPTEMBER 18 ,1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order.

2. Invocation.

3. Approval of Minutes.

4. Authorize KSA Engineers to prepare specifications for repairs on water storage system and advertise for bids. (Staff)

5. Consider disposal of three-legged water storage tank. (Staff & KSA)

6. Consider approving a financial advisory service contract with Southwest Securities, Inc. for the issuance of certificates of obligation.

7. Consider approving a resolution authorizing publication of a notice of intent to issue certificates of obligation.

8. Authorize selling street easement at corner of 2nd. and C Street to Felton Burt per previous request of City Council. (Staff & Felton Burt)

9. Authorize asking for health insurance bids for city employees. (Staff)

10. Consider Fred Walker (Diboll Prop Shop) request for water services to Weisinger Garage outside city limits. (Fred Walker)

11. Consider Edmon Fusell request for water services to property between FM 2497 (Ryan Chapel Road) and Old Diboll Highway. Property located across from Lakeview Baptist church, outside city limits. (Edmon Fusell)

12. Authorize asking for bids on lease or purchase of staff vehicles. (Staff)

13. Public Forum.

14. Council Comments.

EXECUTIVE SESSION:

Under the authority of Texas Open Meetings Act, Texas Government Code Sectior on 551.001 et seq., the Council during the course of the meeting covered by this notice, may enter into closed or executive session for the following reason:

Sec. 551.074 Discussing personnel or to hear complaints against personnel.

1. Discuss auto lease, purchase and/or allowance.

Posted on bulletin board at City Hall September 12, 1995 at 8:45 a.m.

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Minutes of a regular City Council Meeting, Monday, September 18, 1995, 5:15P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Dick Albrecht	Councilman	
R.W. Ingram	Councilman	
Kent Havard	Councilman	
Don Hendrick	Councilman	
Sam Coleman	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Danny Ray	Chief of Police
Earl Carr	Public Works Director
Ed moore	Southwest Securities Inc.
Gary Wilmon	Free Press Editor
Ira & Mrs. Muckleroy	
Charles Maclin	Water & Sewer Superintendent
Edmon Fussell	
Billy Sims	KSA Engineers

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Kent Havard made a motion to approve the minutes of the August 21, 1995 city council meeting and Sam Coleman seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried.

Item 4 After discussion R.W. Ingram made a motion to authorize KSA Engineers to prepare specifications for repairs on water storage system and to advertise for bids and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried.

Item 5 City Manager discussed the condition of the three legged tank and the cost of repairing and that cost would not benefit city and tank will become liability if left standing. Mayor Simms asked about dismantling for materials.

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Billy Sims suggested tank companies might and said can include as part of bid packet. Concensus of the council was to proceed.
Dick Albrecht made a motion to proceed with KSA getting bids and R.W. Ingram seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried.

Item 6 After discussion by Ed Moore with Southwest Securities Don Hendrick made a motion to approve the financial advisory service contract with Southwest securities, Inc. for the issurance of Certificates of Obligations and Sam Coleman seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried.

Item 7 Ed Moore explained pay back of C of O and Dick Albrecht made a motion to approve the resolution authorizing publication of a notice of intent to issue certificates of obligation and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried unanimously.

Item 8 Kent Havard made a motion to authorize selling the street easement at the corner of 2nd Street and "C" Street to Felton Burt per previous request of city council for $2,000 and R.W. Ingram seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried unanimously.

Item 9 Don Hendrick made a motion to authorize advertising for health

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insurance bids for city employees and Kent Havard seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried unanimously.

Item 10 After discussion Dick Albrecht made a motion to disapprove Brad Walker's request for water services outside the city limits to Weisingers Garage and Sam Coleman seconded.

Voting For	Voting Against
Dick Albrecht	Don Hendrick
Kent Havard	R.W. Ingram
Sam Coleman	

Motion carried.

Item 11 After discussion Dick Albrecht made a motion to deny Edmon Fussell's request for water services outside the city limits to property off FM 2497 and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried unanimously.

At this time Mayor Simms called the council into executive session.
EXECUTIVE SESSION:
Mayor Simms called council into executive session. No votes were taken and no decision were made. Minutes of the executive session are on a Certified Agenda and summarized and kept in a lock box locked in the City vault.

Item 12 Following executive session R.W. Ingram made a motion to authorize going out for bids to lease/purchase staff vehicles and Sam Coleman seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried.

Item 13 PUBLIC FORUM
Ira Muckleroy asked concerning appeal of termination of employment. City Attorney, Jimmy Cassels explained appeal process.

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Item 14 COUNCIL COMMENTS

R.W. Ingram said complaints about strength of black garbage bags and bags tearing. City Manager siad we would have bags tested for mill thickness. Kent Havard asked about Lawrence Street being repaired toward and of street. Sam Coleman also remarked about Maynard also. Earl Carr said plan to repair this year. Property on Deveraux was discussed and suggested contact Eddie Horton and him contact City Attorney.

There being no further business R.W. Ingram made a motion to adjourn and Kent Havard seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Kent Havard	
Don Hendrick	
Sam Coleman	

Motion carried and meeting adjourned at 6:58 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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Walker's Prop Shop
1099 North Temple
Diboll, TX 75941

September 13, 1995

The City of Diboll
Mayor and City Counsel
P.O. 340
Diboll, TX 75941

RE: REQUEST TO BE ON ADGENDA
BRAD WALKER

Dear Sirs,

Please find enclosed a letter from Mr. Walker requesting time at the next town meeting.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, Monday, October 16, 1995, 5:15 p.m., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Dick Albrecht	Councilman	
Kent Havard	Councilman	
Don Hendrick	Councilman	
Sam Coleman Sr.	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Ed Moore	Southwest Securities
Gary Wilmon	Editor Free Press
Brad Walker	
Dave Martinez, Sr.	
Dave Martinez, Jr.	
Earl Carr	Public Works Director
Charles Maclin	Water & Sewer Superintendent
Fred Blakemore	Police Officer
Mr. & Mrs. Ira Muckelroy	
Danny Ray	Police Chief

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Don Hendrick made a motion to approve the September 18, 1995 City Council meeting minutes and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Don Hendrick	
Sam Coleman Sr.	

Motion carried.

Item 4 After discussion Kent Havard made a motion to authorize the ordinance issuing Certificates of Obligations in an amount not to exceed $350,000. for water storage system repairs and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Don Hendrick	
Sam Coleman Sr.	

Motion carried unanimously.

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Item 5 City Attorney, Jimmy Cassels opened and tabulated bids received for employee hospitalization insurance and R.W. Ingram made a motion to reject all bids and go out for proposals, and include all employees. Proposals will be opened in presence of City Manager, City Attorney and representative of company if desire and Sam Coleman, Sr. seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Don Hendrick	
Sam Coleman, Sr.	

Motion carried unanimously.

Item 6 Jimmy Cassels, City Attorney opened and tabulated bids received for lease or purchase of vehicles and R.W. Ingram made a motion to table the bids received and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Don Hendrick	
Sam Coleman, Sr.	

Motion carried.

Item 7 After discussion by City Manager, Kent Havard made a motion to not take any action to enter into a cooperative agreement with the City of Lufkin and other cities and Angelina County for the Emergency Management Plan at this time and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Don Hendrick	
Sam Coleman, Sr.	

Motion carried unanimously.

Item 8 After discussion R.W. Ingram made a motion to approve providing water services to Walker's Pro Shop outside the city limits and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Don Hendrick	
Sam Coleman, Sr.	

Motion carried unanimously.

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Item 9 PUBLIC FORUM

Dave Martinez, Jr. discussed situation at 110 Hines Street about pipe and drainage creating a large ditch and creating health and safety hazard. This is natural drain for water from west side of Hines. Temple respresentative is to respond to problem. Will work together, city and company.

Ira Muckleroy stated couldn't accept termination. City Attorney, Jimmy Cassels explained policy and advised that he could consult a private attorney.

Item 10 COUNCIL COMMENTS

Kent Havard asked about Arrington Street completion. Earl Carr said Moore Bros. contracted to overlay and suppose to start next week.
Dick Albrecht asked about house on Deveraux. City Attonrey said house in bankruptcy and will check on status.

There being no further business Don Hendrick made a motion to adjourn and Sam Coleman, Sr. seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Don Hendrick	
Sam Coleman, Sr.	

Motion carried.

Meeting adjourned at 6:25 p.m.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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Minutes of a Regular City Council Meeting, Monday, November 20, 1995, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Dick Albrecht	Councilman	
Kent Havard	Councilman	
Sam Coleman, Sr.	Councilman	
Don Hendrick	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Billy Sims	KSA Engineers
John Strain	Friesen, Strain Ins.
Gina Friesen	Friesen, Strain Ins.
Earl Carr	Public Works Director
Charles Maclin	Water & Sewer Superintendent
Dave Martinez, Sr.	
Dave Martinez, Jr.	
Edwin Quarrels	Free Press
Danny Ray	Police Chief

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Sam Coleman, Sr. made a motion to approve the minutes of the October 16, 1995 City Council Meeting and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Sam Coleman, Sr.	
Don Hendrick	

Motion carried unanimously.

Item 4 Bids received for employees health insurance from Blue Cross/Blue Shield, All State and TML were opened and composed and Blue Cross/Blue Shield submitted the low bid and R.W. Ingram made a motion to accept the bid from Blue Cross/Blue Shield and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Sam Coleman, Sr.	
Don Hendrick	

Motion carried unanimously.

Item 5 After discussion by City Manager, Don Hendrick made a motion to

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accept the low bid from Tipton Ford for the trucks and Beaver Chevrolet for the car contingent upon classification of lease and return of vehicles and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Sam Coleman, Sr.	
Don Hendrick	

Motion carried unanimously.

Item 6 Staff and KSA Engineers earlier opened bids and Billy Sims explained to council as follows:

A-Way Tank Service	$96,790.00
Cherokee Painting & Sandblasting	$98,155.00
Jenson Construction	$277,200.00
Texas Bridge Inc.	$135,000.00

R.W. Ingram made a motion to accept the low bid of $96,790.00 submitted by A-Way Tank Service and Sam Coleman, Sr. seconded.

Voting For	Voting Against
R. W. Ingram	None
Dick Albrecht	
Kent Havard	
Sam Coleman, Sr.	
Don Hendrick	

Motion carried unanimously.

Item 7 After discussion by City Manager R.W. Ingram made a motion to authorize advertising for bids for ten golf carts and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Sam Coleman, Sr.	
Don Hendrick	

Motion carried unanimously.

Item 8 Kent Havard made a motion to approve the resolution appointing Levy Ellison to serve on the Angelina County Appraisal District Board of Director as representative for the City of Diboll and Don Hendrick seconded.

Voting For	Voting Against
R. W. Ingram	None
Dick Albrecht	
Kent Havard	
Sam Coleman, Sr.	

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Don Hendrick

Motion carried unanimously.

Item 9 After discussion by City Manager, Don Hendrick made a motion to approve the resolution allowing the city to participate in Retirement Corporation ICMA and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Sam Coleman, Sr.	
Don Hendrick	

Motion carried unanimously.

Item 10 Comments made about drainage problem. Recommendation that problem be studied further. Suggested Earl Carr get with company and see what can be done. Comments on new street progress. Comments made concerning TU Electric not replacing lights on poles in parks.

Item 11 Kent Havard discussed complaints on house at 205 Cosey Circle. Kent Havard commented on policy manual not updated for good many years. Mayor Simms commented that P.D. and Fire Department to be praised for rapid response to house fire.

At this time Mayor Simms called the council into Executive Session. Mayor Simms reconvened the council into open session. No votes were taken and no decisions were made in executive session. Minutes and certified agenda of the executive session are locked in a lock box in the city's vault.

There being no more business Kent Havard made a motion to adjourn and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Sam Coleman, Sr.	
Don Hendrick	

Motion carried and meeting adjourned at 6:40 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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CITY OF DIBOLL

November 21, 1995

Beaver Chevrolet
1710 S. First Street
Lufkin, Texas 75901

Attn: Matt

Dear Matt,

This letter is to inform you that your bid of $18,500 submitted to sell the City of Diboll (1) 1996 Caprice 4 Dr. Sedan was accepted by the city council on November 20, 1995. City Manager Vernon Cupit will be in contact with you for specific delivery details.

Thank you for your bid.

Sincerely,

Betty Capps

Betty Capps
Secretary

P.O. BOX 340 • DIBOLL, TEXAS 75941 • (409) 829-4757

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CITY COUNCIL MEETING
DECEMBER 18, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Reconsider participating with Angelina County and other entities in Emergency Management Plan and approving an Ordinance, a Joint Resolution and a mutual aid agreement.
5. Authorize advertising for bids for blue recycle bags & black garbage bags
6. Reconsider bids on pick up trucks
7. Approve Reserve Police Officer
8. Public Forum
9. Council Comments

EXECUTIVE SESSION:

Under the authority of Texas Open Meeting Act, Texas Government Code, Section 551.001, the council during the course of the meeting covered by this notice may enter into closed or executive session for the following reasons:

Section 551.074 Discussing personnel or to hear complaints against personnel.

1. Discuss approving Reserve Police Officer

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL TUESDAY, DECEMBER 12, 1995 AT 10:05 AM.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, Monday, December 18, 1995, 5:15 P.M. Diboll City Hall.

Present		Absent
James P. Simms	Mayor	Sam Coleman, Sr.
R.W. Ingram	Councilman	
Kent Havard	Councilman	
Dick Albrecht	Councilman	
Don Hendrick	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Janet Dial	City Attorney's Office
John & Sandra Pouland	
Joe Berry	Angelina County Judge
Ron Wasch	
Charles Maclin	Water & Sewer Superintendent
Edwin Quarrels	Free Press
Jimmy Lenderman	Diboll P.D.
Jeff Taylor	Diboll P.D.
Danny Ray	Chief of Police
Sandra Ray	

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 R.W. Ingram made a motion to approve the minutes of the November 20, 1995 City Council Meeting and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	

Motion carried.

Item 4 After discussion by Mayor Simms, City Manger, Council and Joe Berry, Angelina County Judge. City Manager stated if have plan on file and have disaster liability be less than if not have one. Also stated that cities are to have plan on file according to state. Kent Havard made a motion to enter into participation with Angelina County and other entity in Emergency Management Plan and approving Ordinance, Joint Resolution and Mutual Aid Agreement, R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	

Motion carried.

Item 5 After discussion Councilman Ingram made a motion to authorize advertising for bids for 1.5 mil & 2.0 mil for blue recycle bags and also black garbage bags and Dick Albrecht seconded.

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Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Dick Albrecht	

Motion carried

Item 6 After discussion by City Manager, R.W. Ingram made a motion to reject bid from Tipton Ford due to the fact that they could not provide the vehicles according to specifications as bid and accept the bids received from Beaver Chrevrolet for two (2) 1996 1/2 ton Pickups for $19,500. each (copy of bid attached) and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	

Motion carried.

Item 7 Moved in order after item nine.

R.W. Ingram made a motion to approve Randall H. Brooks as Police Reserve Officer and Don Hendrick seconded/

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Kent Havard	
Don Hendrick	

Motion carried.
Note: Councilman Hendrick arrived.

Item 8 PUBLIC FORUM (Moved to item seven)
Mayor Simms offered audience opportunity to speak. No response.

Item 9 (Moved to item eight)
Councilman Kent Havard asked about house on Cosey Circle. Police Chief said owner will clean up. Councilman Havard also mentioned possible ordinance regulating concealed handguns being limited in certain areas. Mayor commented about football stadium construction and no permits have been applied for. City Manager commented on call from Austin concerning seal for Ag building. Said sees no problem with getting this. Stated city not involved with contruction of stadium concerned after construction completed city usually faces problems. Remarked that Coach Vanover came and discussed what needed to be done. Stated city needs letter sealed and certified by architect and contractor. Dal Ware called and said he would take care of these things. January 22, 1996 will be January council meeting. Mayor wants detailed information on items on agenda.

At this time ater item nine Mayor Simms called the council into executive session. Minutes and certified agenda are kept in a lock box in the city's vault.

Mayor reconvened council in open session. No decisions were made in

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executive session and no votes were cast.

There being no further business Don Hendrick made a motion to adjourn and Dick Albrecht seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Dick Albrecht	
Kent Havard	

Motion carried and meeting adjourned at 6:04P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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BEAVER
CHEVROLET Oldsmobile Cadillac

TO: City of Diboll
ATTN: Vernon Cupit
POBOX 340
Diboll, TX 75941

FR: George Clark, Fleet Mngr
Beaver Chevrolet
1710 S. First St.
Lufkin, Texas 75901

DA: October 16, 1995

George Buford Clark
Fleet Sales Manager
BEAVER
CHEVROLET Oldsmobile Cadillac
1710 S. First
Lufkin, Texas 75901
Phone
(409) 634-3383
800-235-5861

RE: Bid Response to Solicitation dated 9-25-95

==========

We competively bid the following prices on the attached vehicles (see attachment):

(2) 1996 Extended Cab Pick-up Trucks.....$ 19,500@..x (2)=.....$ 39,000

plus, (1) 1996 Caprice 4dr Sedan.....$ 18,500

Total Purchase Price.....$ 57,500
Including State Inspections and all pre-delivery fees for a tax exempt transaction

==========

Estimated lease-purchase payment to finance purchase would be $ 1375-1450 per month for 48 months. Exact amount cannot be determined until credit approval received. Vehicles can be purchased for $1.00 at the end of 48 payments.

==========

Estimated delivery time on the above units would be 45-60 days from date that the order was received by Chevrolet Division as a clean, buildable unit.

==========

Thank you very much.

GEORGE CLARK

cc: City of Diboll

CITY OF DIBOLL
LEASE/PURCHASE VEHICLES

BID TABULATION
CITY OF DIBOLL

BIDDERS NAME				
Bezer's Chevrolet	1996 Extended Cab	$19,500.00	$1375-1,450 month Lease for all three 48 months	
	1996 Caprice	$18,500.00	45-60 Day Delivery	
Tipton Ford	1996 F-Series (V10 4)	$18,350.00	Rejected Because Could Not Deliver	
	Alternate: 1996 (C6H4)	$18,995.00		

DATE: _____

TABLED BIDS

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AGENDA
CITY COUNCIL MEETING
JANUARY 22, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Open and tabulate and award bids on golf carts
5. Hear annual audit report by Axley & Rode
6. Public Forum
7. Council Comments

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 11:55 A.M., TUESDAY, JANUARY 16, 1996

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, Monday, January 22, 1996, 5:15 p.m., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Dick Albrecht	Councilman	
R.W. Ingram	Councilman	
Sam Coleman, Sr.	Councilman	
Kent Havard	Councilman	
Don Hendrick	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Lee Brittain	Axley & Rode, CPA'S
Jimmy Mettlen	Golf Course
Gary Wilmon	Editor, Free Press
Charles Maclin	Water & Sewer Superintendent
Dave Martinez, Sr.	
Dave martinez, Jr.	
Danny Ray	Chief of Police
Jimmy Lenderman	Sargent

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon Cupit to give the invocation.

Item 3 Councilman Ingram made a motion to approve the minutes of the December 18, 1995 council meeting and Councilman Albrecht seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Sam Coleman, Sr,	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

Item 4 Jimmy Cassels, City Attorney opened and tabulated bids received for purchase of golf carts with 10 carts trade in as follows:

After discussion and questions by the council and comments by Mr. Danny Eckler with Club Car, Kent Havard made a motion to accept the low bid of $23,000.00 ($2,800. each less $5,000. each trade-in) from Club Car, upon review of staff of bids and specifications compliance and Don Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

Note: This is a budgeted purchase. See bid tabulation attached.

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Item 5 Lee Brittain with Axley & Rode, CPA firm presented the City's annual audit to the council. Mr. Brittain also explained two audit standard letters (see copy attached) to council. Stated we have an "unqualified opinion" for this year's audit, which is the best we can receive. The audit report contents were then explained. Stated city has large fund equity which is good position to be in. Cash flow and Income & Expense were explained. Stated some functions are limited because of limited staff. Said city in good financial condition. Council members asked questions.

Item 6 PUBLIC FORUM

Mayor Simms opened the floor to receive comments from the audience. Drainage problem from previous meeting was questioned. Mayor Simms commented that James Ferguson with Temple Inland stated he was willing to provide pipe for the problem. City Manager commented about the new football stadium construction and that all inspection and certification items needed are being provided. Also, house problem is being taken care of and cleaned up as discussed in previous meeting. Mayor commented concerning mechanic repair shop on Rutland at personal residence and the number of cars with some being parked along the street. Mr. Dave Martinez, Sr. commented also. Don Hendrick commented on traffic on Hwy 59 seems to bottleneck. Asked about synchronized lights. Danny Ray and Jimmy Lenderman responded that DOT has been consulted with concerning sensors. Mayor Simms said had received letter from person passing through and he commended on police officers for handling traffic. Don Hendrick said residents on Nelson Street where water leak was needs dressing up. Also people at Corporate office concerned about drop off from new pavment at entrance. Was commented thatDOT should be contacted. Councilman Ingram asked about concealed handguns on city property. City Manager said City Attorney, Jimmy Cassels said we were waiting to see what Lufkin is going to do. Also, Councilman Ingram asked about meeting at Civic Center in Diboll on February 2, 1996 at 1:30 P.M. with DOT. Mayor Simms and City Attorney made additional comments concerning the concealed handgun law. Dick Albrecht stated Dick Albrecht stated local high school decathlon team won regional.

There being no further business Councilman Ingram made a motion to adjourn and Council Hendrick seconded.

Voting For	Voting Against
Dick Albrecht	None
R.W. Ingram	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried and meeting adjourned at 5:53 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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BID FORM

TO: MAYOR AND CITY COUNCIL

FROM: CLUB CAR, INC.
1101 HARRISON AVE
ARLINGTON, TEXAS 76012

(I) (We) hereby offer to sell the City of Diboll, Texas ten (10) golf carts for the Neches Pines Golf Course, meeting your specifications.

Bid Price for 10 Golf Carts	$ 2800.00 X 10 = 28,000.00
Less Trade-in per cart for 10 carts	$ (500.00)X 10 = (5000.00)
Total Bid Price for 10 golf carts	$ 2300.00 X 10 = 23,000.00

Darry Eckler this 22 day of January, 1996
Signature & Title
Club Car
Sales Representative

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BID FORM

TO: MAYOR AND CITY COUNCIL

FROM: E-Z-GO TEXTRON

8515 EAST NORTH BELT DRIVE

HUMBLE, TEXAS 77396 PHONE: (800) 392-4235

(I) (We) hereby offer to sell the City of Diboll, Texas ten (10) golf carts for the Neches Pines Golf Course, meeting your specifications.

	Medalist
Bid Price for 10 Golf Carts	$ 29,130.00
Less Trade-in per cart for 10 carts	$ 6,000.00
Total Bid Price for 10 golf carts	$ 23,130.00

Sales Rep. this 17 day of JANUARY, 1996
Signature & Title

*ALTERNATE BID:

Thermoplastic Elastomer Body	'TXT'
Bid Price for 10 Golf Carts	$ 30,130.00
Less Trade-in per cart for 10 carts	$ 6,000.00
Total Bid Price for 10 golf carts	$ 24,130.00

this 17 day of January, 1996
Doug Ashley Sales Rep.

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AGENDA
CITY COUNCIL MEETING
FEBRUARY 19, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Consider participation in Deep East Texas Regional Trafficking Task Force
5. Approve resolution authorizing Diboll Police Department to authorize Deep East Texas Regional Trafficking Task Force to submit a grant request for funding the D.E.T.R.T.T.F.
6. Open and tabulate bids on garbage bags
7. Charles Maclin to brief council on water consumption
8. Adopt customer water service inspection agreement
9. Billy Sims, KSA brief council on sewer collection and treatment system
10. Approve changing Section 15.21 of City Ordinance in reference to residential requirements for Police Reserves.
11. Public Forum
12. Council Comments

EXECUTIVE SESSION:

Under the authority of Texas Open Meeting Act, Texas Government Code, Section 551.001, the council during the course of the meeting covered by this notice may enter into closed or executive session for the following reasons:

Section 551.074 Discussing personnel or to hear complaints against personnel.

1. Discuss approving Reserve Police Officer

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 9:25 A.M., TUESDAY, FEBRUARY 13, 1996.

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Minutes of a Regular City Council Meeting, Monday, February 19, 1996, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Dick Albrecht	Councilman	
Sam Coleman, Sr.	Councilman	
Kent Havard	Councilman	
Don Hendrick	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Gary Wilmon	Editor, Free Press
Charles Maclin	Water & Sewer Superintendent
Danny Ray	Chief of Police
Billy Sims	KSA Engineering
Dave Martinez, Sr.	
Dave Martinez, Jr.	
Bill Brown	
Beauford Chapman	
Mr. Mrs. George Moore	
Jeff Taylor	Police Department
Jimmy Lenderman	Sargent

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 After presentation of item by Mayor, Sam Coleman, Sr. made a motion to approve the minutes of the January 22, 1996 City Council Meeting and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

Item 4 After discussion by City Manager and Police Chief Danny Ray, Dick Albrecht made a motion that the city participate in the Deep East Texas Regional Narcotics Trafficking Task Force and Kent Havard seconded.

Voting For	Voting Against
R. W. Ingram	None
Dick Albrecht	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

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Item 5 After discussion by City Manger and Police Chief Danny Ray, Kent Havard made a motion to approve resolution authorizing Deep East Texas Regional Narcotics Trafficking Task Force to submit a grant request for funding the D.E.T.R.N.T.T.F. and Sam Coleman, Sr. seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

Item 6 City Attorney, Jimmy Cassels, opened and tabulated bids received on garbage bags as follows: (See attached sheet)
Kent Havard made a motion to accept the low bid submitted of $3.68 per roll from Dixie Paper Co. and of $2.109 (1.5 mill black bag) or $2.812 (2.0 mill black bag) from Coating & Laminating upon the staff reveiwing the specifications and approving them and Don Hendrick seconded. *

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

* Tentatively awarded bid - overnight sample before award bid

Item 7 Charles Maclin briefed the council on the reasons the city's water consumption and sales were reported as being less than the water produced and gave the following reasons:

1. City does not meter own facilities, i.e., Pools, City Hall, P.D., Park's, Fire Station, Service Center, Civic Center, Library, etc.
2. Bad meters
3. Fires
4. Large Leaks
5. Main blew out
6. Fire Protection leak
7. Fireman flush lines

Stated plan to start new program when installing new meter and check meters for accurancy. Stated schedule of replacing meters which are oldest. Discussed recovery time of cost to replace meters in relation to percent of loss. Since received letter from TNRCC have tested various large meters for accurancy. Sam Coleman, Sr. asks concerning cut off valves. Answer was yes. City Manager pointed out that line was repaired at old trailer plant. Council was informed of 19% 1993 and 23% 1995 percent of loss in answer to Councilman Ingram's question. Said be good idea meter city facilities. City Attorney asked of wrote TNRCC and explained "loss" what would this do. Mayor suggested problem is a team problem and that police could help observe things which could contribute to loss. Councilman Coleman asked about free service from TNRCC. Maclin said yes. Don Hendrick asked if we had used service before. Maclin stated he didn't the numbers but said all factors not considered. City Attorney suggested

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that we respond to TNRCC letter and tell reason and request them to come to city. Billy Sims commented that be good for city to enter into meter replacement program since numbers indicate need. Councilman Ingram suggested to budget for and begin a meter replacement program. City Manager stated we have started procedures to reduce percent of loss and pointed out other areas and that the city had been reimbursed at different times for water used.

Item 8 City Manger and Charles Maclin, Water & Sewer Superintendent explained the new law which requires that the city enter into a service inspection agreement with water customers. Stated that purpose of agreement for service agreement is to prevent contamination of the water. Said that agreement would improve inspections to prevent connection of water if inspection revealed deficiencies.
Dick Albrecht made a motion to adopt the customer water service inspection agreement and Sam Coleman, Sr. seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

Item 9 Billy Sims, engineer with KSA briefed the council on sewer collection and the treatment system with the following comments: city must meet new requirements in reference to bio requirements. New permits will expire in 3 years instead of every 5 years. Explained items must do to comply with new requirements. Must complete plans by November 1996. Thinks plant has capacity to comply with few improvements. Said have exceed I & I in some months. City Attorney asked why we exceed Infiltration and Inflow. Answer was leaks and rain. Said going to take a closer look and report new month concerning possible improvements which must be done. City Manager stated we need to begin taking corrective action.

Item 10 City Manager and Policeman Jeff Taylor explained to the council the request to change Section 15.21 of the City Ordinance to permit Police Reserves to reside outside Angelina County from the current requirement to no residence requirement and can respond in reasonable amount of time. Stated not getting enough applications from Angelina County. Explained process of selection of reserve. Mayor Simms commented if candidate can be reserve officer will open door when opening does come within department. After discussion Sam Coleman, Sr. made a motion to change Section 15.21 of the City Ordinance to allow police reserves to reside outside of Angelina County and Kent Havard seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

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Item 11 Public Forum
Mayor Simms opened the floor for public comments under the public forum item. Mayor explained that if item requires council action must be place on agenda. Mayor Simms summarized problem with Mr. Moore's sewer. Said before Christmas told city employees to fix. Discussion ensued. Suggested that be placed on agenda for March.
Dave Martinez, Jr. said he talked with Temple and said James Ferguson with Temple was ready too supply pipe for Hernandez problem. City Manager asked about city's responsibilities and March 4, 1996 Called Meeting scheduled. Kent Havard responded to Dave Martinez, Jr. question about gang problems in elementary school Said problems being addressed. Said have parents involved.

Item 12 Council Comments
Mayor Simms asked the council for council comments and comments were as follows:
City Attorney asked Beauford Chapman to make comments about expansion of baseball field and about marketable timber and that we have to bid the timber. City Manager summarized chronological order of events to current situation. Said will proceed with expansion and leave timber so can bid. Will advertise for bid.

EXECUTIVE SESSION:

The executive session was cancelled becuase the applicant to be considered for police reserve officer acquired full-time employment and removed himself for consideration.

There being no further business Don Hendrick made a motion to adjourn and Sam Coleman seconded.

Voting For	Voting Against
R.W. Ingram	None
Dick Albrecht	
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried and meeting adjourned at 6:55 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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CITY OF DIBOLL
GARBAGE BAGS

BID TABULATION
CITY OF DIBOLL

BIDDERS NAME				DELIVERY
DIXIE PAPER CO.	2,500 ROLLS BLACK 1.5 MILL 2,500 ROLLS BLACK 2.0 MILL 2,500 ROLLS BLUE 1.5 MILL		$3.16 PER ROLL 4.11 PER ROLL 3.68 PER ROLL	28 DAYS 28 DAYS 28 DAYS
BEMIS CO.	2,500 ROLLS BLACK 1.5 2,500 ROLLS BLACK 2.0 2,500 ROLLS BLUE 1.5	MILL MILL MILL	2.209 PER ROLL 2.915 PER ROLL 3.709 PER ROLL	30 DAYS 30 DAYS 30 DAYS
COATING LAMINATING	2,500 ROLLS BLACK 1.5 2,500 ROLLS BLACK 2.0 2,500 ROLLS BLUE 1.5	MILL MILL MILL	2.109 PER ROLL 2.812 PER ROLL 4.89 PER ROLL	30 DAYS 30 DAYS 30 DAYS
ARROW INDUSTRIES	2,500 ROLLS BLACK 1.5 2,500 ROLLS BLACK 2.0 2,500 ROLLS BLUE 1.5	MILL MILL MILL	2.85 PER ROLL 3.80 PER ROLL 3.88 PER ROLL	21-30 DAYS 21-30 DAYS 21-30 DAYS

DATE: _____

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AGENDA
CALLED CITY COUNCIL MEETING
MARCH 4, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order

2. Invocation

3. Approval of Minutes

EXECUTIVE SESSION:

Under the authority of Texas Open Meeting Act, Texas Governmnet Code, Section 551.001, the council during the course of the meeting covered by this notice may enter into closed or executive session for the following reasons:

Section 551.071 Private consultation with the City's attorney.

1. City Attorney update on litigation

4. Hear request from George Moore concerning sewer problem

5. Hear Dave Martinez, Jr. concerning ditch problem on his and Hernandez property and pipe being furnished by Temple.

6. Open and tabulate bids received for sale of timber at youth baseball complex.

7. Appoint Election Judge and Alternate Judge for May 4, 1996 city election.

8. Approve contract for transportation service with Brazos Transportation System (Trolley)

9. Consider resolution authorizing submission of 1996 Texas Community Development Program Application

10. Public Forum

11. Council Comments

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 2:00 P.M., MONDAY, FEBRUARY 26, 1996

LATE ITEM:

CONSIDER AWARDING CONTRACT ON GROUND STORAGE TANK

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 2:00 P.M. THURSDAY, FEBRUARY 29, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Called City Council Meeting, Monday, March 4, 1996, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Kent Havard	Councilman	
R.W. Ingram	Councilman	
Sam Coleman, Sr.	Councilman	
Dick Albrecht	Councilman	
Don Hendrick	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Billy Sims	KSA
Raymond Vann	Raymond K. Vann & Associates
Dave Martinez, Sr.	
Dave Martinez, Jr.	
Gary Wilmon	Editor Free Press

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Councilman Ingram made a motion to approve the minutes of the February 19, 1996 City Council Meeting and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

Motion carried unanimously.

At this time Mayor called the council into executive session.

Item 4 Mayor Simms reconvened council in regular session. City Attorney Jimmy Cassels explained the reason for this agenda item and explained the situation and Mr. Bill Brown stated he contacted plumber for Mr. Moore. Mr. Cassels stated that since Mr. Moore did not respond with a bid nor sign the presented agreement and did not attend this meeting that the council could decide. Mr. Cassels pointed out City cannot expend tax money on private property.

After discussion Kent Havard made a motion to give the Moore's ten (10) days from March 5, 1996 to submit bid to repair line from tap to property line to be reviewed by staff and with agreement signed by Moore's and then reimburse the Moore's after repairs completed and agreement signed and invoice presented to city for payment and Don Hendrick seconded.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

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Motion carried unanimously.

Item 5 Mr. Dave Martinez, Jr. was asked to respond to problem and Mr. Jimmy Cassels, City Attorney explained that city cannot expend city tax money on private property. Mr. Martinez, Sr. said city is cause of problem when they opened drain across street. Mr. Cassels pointed out possible continual expenses and liability if city repairs problem on personal private property and expends tax money. Mayor Simms pointed out history of events leading up to problem and diagramed on chalk board. Mr. Martinez, Sr. explained the problem. Mayor Simms stated cannot put city in jeopardy by going onto private property. Dave Martinez, Jr. said just want to know yes or no from city. Kent Havard suggested get State with KSA and look at problem. Mr. Cassels asked how much cost to get free pipe and get put in ditch. Suggested they get price. Mayor Simms said city will contact Highway Department to come and analyze problem. This will also be an item March 18, 1996 meeting.
Kent Havard made a motion to table till next meeting R.W. Ingram seconded.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

Motion carried unanimously.

Item 6 Jimmy Cassels, City Attorney stated that the city received one bid to purchase the timber which had been cut at the youth baseball field as follows: Earl Chance $200.00.

Don Hendrick made a motion to accept the bid and R.W. Ingram seconded.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

Motion carried.

Item 7 After dicussion by City Manager, R.W. INgram made a motion to appoint Robert Ramsey as election judge for the May 4, 1996 city council election and Nita Harley as the alternate election judge and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

Motion carried unanimously.

Item 8 After discussion by City Manager, R.W. Ingram made a motion to approve

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the contract with Brazos Transit System to provide transportation service (the Trolley system) to the City of Diboll and Kent Havard seconded conditioned on a grant being applied for from TLL Temple Foundation and approved.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

Motion carried.

Item 9 After discussion by City Manager and Raymond Vann of Raymond K. Vann and Associates Don Hendrick made a motion to authorize the resolution to submit a grant application to the Texas Community Development Program and Sam Coleman, Sr. seconded to improve Pine Valley Addition utilities, $249,000 plus city share $37,444.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

Motion carried unanimously.

LATE ITEM:
After discussion by City Manager and Billy Sims with KSA Engineering concerning the bids received for repairs on the ground storage tank as follows: See Attached Sheet.
Kent Havard made a motion on the recommendation of Mr. Sims to accept the low bid of $185,440. from McKinney 7 Moore and R.W. Ingram seconded.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

Motion carried unanimously.

Item 10 Mayor Simms opened the floor for public forum comment. No comments from audience.

Item 11 Mayor Simms asked for council comments. Kent Havard stated had received numerous complaints about street lights out on main street and artery streets. City Manager related process of reporting to TU Electric. Mayor also stated that Police Department is checking for defective lights also. Sam Coleman, Sr. asked about "hump" on loop being repaired. Dr. Ingram asked concerning additional lighting in median from corporate office south.

There being no further business R.W. Ingram made a motion to adjourn and

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Don Hendrick seconded.

Voting For	Voting Against
Kent Havard	None
R.W. Ingram	
Sam Coleman, Sr.	
Dick Albrecht	
Don Hendrick	

Motion carried unanimously and meeting adjourned at 6:40 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
MARCH 18, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Billy Simms, KSA present report on need of Sewer Infiltration Study
5. Dave Martinez, Sr. concerning ditch problem
6. Appoint member to DETCOG Board
7. Public Forum
8. Council Comments

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 2:55 P.M., TUESDAY, MARCH 12, 1996.

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Minutes of a Regular City Council Meeting Monday, March 18, 1996, 5:15 P.M. , Diboll City Hall.

Present		Absent
James P. Simms	Mayor	Dick Albrecht
R.W. Ingram	Councilman	
Sam Coleman, Sr.	Councilman	
Kent Havard	Councilman	
Don Hendrick	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Danny Ray	Chief of Police
Gary Wilmon	Editor, Free Press
Charles Maclin	Water & Sewer Superintendent
Dave Martinez, Sr.	
Dave Martinez, Jr.	
Jimmy Lenderman	Sargent
Jeff Taylor	Police Department

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Sam Coleman, Sr. made a motion to approve the minutes of the March 4, 1996 council meeting and Kent Havard seconded.

Voting For	Voting Against
R. W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried.

Item 4 Billy Sims with KSA Engineering Firm presented a report on the need of a sewer infiltration study. Mr. Sims briefed the council on the major changes in the wastewater permit and the decreases in the qualitative parameters of the permit. Said he believed the present facility can meet the new requirements without any problems. Mr. Sims remarked concerning the sludge amount being handled when one pump goes out. Suggested that we need to put in an additional pump. The total cost of installing a new pump completely would be estimated at $18,000.00 Also recommended that we can alternate for the present to deal with sludge. Suggested we consider these items in next year's budget. Said average daily flows are what are concerned about. Said if exceed 75% of daily flow 3 months in row need to have plan in place and if exceed 90% of daily flow must start construction. Said leaks in sewer system and heavy rains. Said next time exceed will probably not be able to get waiver. There is problem which needs to be addressed now. Recommends city begin working on I & I problem now. Plant capacity is one-million gallons per day. Need to encourage homeowners to repair their lines when tests indicate leaks. Total projected cost of sewer evaluation survey is $137,150.00. Said city ordinance allows to fine customers for refusing to repair leak on their property. R.W. Ingram asked about possible grants. Some possible grant money for low income areas. Mayor recommended let staff study report and see if can prioritize needs. City Manager stated tests in 1981 never had any funds committed to

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correct all problems identified in test but corrections and repairs were made within budget constraints. Recommended that complete study be done in the future and R.W. Ingram agreed that we need to get started.

Item 5 Dave Martinez, Jr. asked about state. City Manager stated Highway Department couldn't do anything on private property, drain is natural drain and if culvert was installed state highway department would dictate installation. Mr. Martinez stated there is steady flow of water. James Ferguson of Temple was contacted and was to determine source of flow. Mr. Martinez, Sr. asked questions concerning who installed the pipe to begin with. Questions concerning plugging up pipe and its consequence. City Attorny pointed out state would impose a fine if this occured, Mayor stated whole city council is sympathetic with you and Mr. Hernandez but the city cannot expend money on the project. City Attorney stated at best could decide situation is health hazard and reimburse him but would incur possibility of having to reimburse all others in future.

Item 6 City Manager explained the need to appoint a member to the DETCOG board which has previously been the mayor. After discussion R.W. Ingram made a motion to appoint Mayor Simms and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously.

Item 7 Mayor Simms opened the meeting to the public for any comments. None made.

Item 8 Mayor Simms opened the floor to council comments. None were expressed.

There being no further business Sam Coleman, Sr. made a motion to adjourn and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

Motion carried unanimously and meeting adjourned at 6:20 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
APRIL 15, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call To Order
2. Invocation
3. Approval of Minutes
4. Hear Mrs. Moore's complaint about sewer problems
5. Approve proposed Police Reserve Ordinance Amendment
6. Public Forum
7. Council Comments

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 11:45 A.M., TUESDAY, APRIL 9, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of Regular City Council Meeting, April 15, 1996, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Kent Havard	Councilman	
Dick Albrecht	Councilman	
Don Hendrick	Councilman	
Sam Coleman, Sr.	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Jimmy Mettlen	Golf Course
Charles Maclin	Water & Sewer Superintendent
Gary Wilmon	Editor, Free Press
Jimmy Lenderman	Police Department
Bill Brown	
Jeff Taylor	Police Department

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Don Hendrick made a motion to approve the March 18, 1996 council meeting minutes and Sam Coleman, Sr. seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Dick Albrecht	
Don Hendrick	
Sam Coleman, Sr.	

Motion carried unanimously.

Item 4 Mayor Simms stated the Moore's are not in attendance. Vernon Cupit said Mrs. Moore called and said their doctor stated they should not attend. Also, that Mrs. Moore called and said they were having sewer problem and city employees went to their residence and used sewer cleaner and line was clear, also check clean out on property and it flowed. Moore's requested to check sinks and commodes. Commode in back flushed slowly. Conversation between Charles Maclin and Mr. Moore ensued and Charles left after some threats by Mr. Moore. Mrs. Moore called city hall that afternoon and said they were not through with the problem. Mayor Simms commented on his decision that he made in December in reference to sending city employees to repair Moore's sewer line, and that decision was strictly in the best interest of the city being a good neighbor. Don Hendrick recounted experience with Moore's also. Concensus was that the issue is a dead issue as far as the council is concerned.

Item 5 After discussion Sam Coleman, Sr. made a motion to approve the proposed Police Reserve Ordinance Amendment removing the requirement for residency in Angelina County, Chapter 15, Section 15-21 of the City Ordinance Code and Kent Havard seconded.

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Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Dick Albrecht	
Don Hendrick	
Sam Coleman, Sr.	

Motion carried unanimously.

Item 6 PUBLIC FORUM
No comments from public.

Item 7 COUNCIL COMMENTS
Vernon stated that letter was sent to person operating garage out of residence to cease and desist. Kent Havard asked about plans to replace Earl since he is to retire in May. Kent Havard also said received remarks about landscaping around P.D. and City Hall. Suggested would like to see grounds spruced up and could possibly use prisoners to help with this.
Mayor commented that some in city do not have natural gas and requested contact Entex and see if can expand service. Vernon said Entex had done this few months ago and Entex stated would not run under railroad unless everyone connect to gas.
Dick Albrecht complimented P.D. since his house was burglarized on their efficient work in solving the burglary. Also complimented the staff on their performance. Said this would be his last full meeting. Sam Coleman, Sr. complimented P.D. and asked to look at South First and Railroad crossing.
There being no further business R.W. Ingram made a motion to adjourn and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Dick Albrecht	
Don Hendrick	
Sam Coleman, Sr.	

Motion carried unanimously and meeting was adjourned at 5:45 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CALLED CITY COUNCIL MEETING
MAY 6, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order

2. Invocation

3. Canvass May 4, 1996 City Election Votes

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 8:45 A.M., MONDAY, APRIL 30, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Called City Council Meeting, May 6, 1996, at Diboll City Hall, 5:15 P.M.

Present		Absent
James P. Simms	Mayor	None
Don Hendrick	Councilman	
Dick Albrecht	Councilman	
R.W. Ingram	Councilman	
Kent Havard	Councilman	
Sam Coleman, Sr.	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Gary Wilmon	Editor, Free Press
Guy Anthony & Sons	
Bill Brown & Sharon Brown	
Danny Ray	Chief of Police

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Mayor Simms opened tally sheet of May 4, 1996 City Council Election and ballots and asked council to canvass the votes. After canvassing, Mayor Simms called for motion to accept Election Judge Robert Ramsey's tally as correct and the election results stand as follows:

Patrick Carnley	65
Bill Brown	209
Julie Horton	172
R.W. Ingram	249
Don Hendrick	207
Sam Glass	83

With a total number of votes cast of 391 and R.W. Ingram made the motion to approve and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	None
Dick Albrecht	
R.W. Ingram	
Kent Havard	
Sam Coleman, Sr.	

Motion carried unanimously.

There being no further business, Mayor Simms called for a motion to adjourn and Dick Albrecht made the motion and Don Hendrick seconded.

Voting For	Voting Against
Don Hendrick	None
Dick Albrecht	
R.W. Ingram	
Kent Havard	
Sam Coleman, Sr.	

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Motion carried unanimously and meeting adjourned at 5:35 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
MAY 20, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Recognize outgoing Councilman
4. Administer Oath of Office to New Councilmen
5. Appoint Mayor Pro-Tem
6. Approve minutes from previous council meetings
7. Approve change order for A Way Tank Company per KSA Engineers
8. Review and Approve Investment Policy for the City
9. Public Forum
10. Council Comments
11. Appoint Three Members to Housing Authority Board

EXECUTIVE SESSION:

Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001, the council during the course of the meeting covered by this notice, may enter into closed or executive session for the following reasons:

Section 551.071 Private consulation with the City's Attorney.

1. Pending or threatened Litigation.

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 9:25 A.M., TUESDAY, MAY 14, 1996.

POSTED ITEM # 11 ON BULLETIN BOARD AT DIBOLL CITY HALL, 9:30 A.M., WEDNESDAY, MAY 15, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting Monday, May 20, 1996, 5:15 P.M., City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Sam Coleman, Sr.	Councilman	
Kent Havard	Councilman	
Bill Brown	Councilman	
Don Hendrick	Councilman	

Also Present	
Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Dick Albrecht	
Danny Ray	Chief of Police
Mrs. Bill Brown	
Dave Martinez, Sr.	
Dave Martinez, Jr.	
Darrell Roberts	
Gary Wilmon	
Joe Parish	
Marty Roberts	
Gary Jones	Fire Chief
Tony Homan	
Sam Glass	
Theron Grigg	
Steve Baker	
Billy Sims	
Charles Maclin	Water & Sewer Superintendent

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 At this time Mayor Simms recognized outgoing Councilman Dick Albrecht with remarks of appreciation and also presented a plaque to Mr. Albrecht. Mr. Albrecht commented that we have a nice city.

Item 4 At this time Mayor Simms administered the Oath of Office to new Councilmen Bill Brown, Don Hendrick and R.W. Ingram.

Item 5 Mayor Simms called for motion to submit name to serve as Mayor Pro-Tem for the comming year and Sam Coleman, Sr. made a motion to appoint Don Hendrick and R.W. Ingram seconded.

Voting For	Voting Against	Abstain
R.W. Ingram	None	Don Hendrick
Sam Coleman, Sr.		
Kent Havard		
Bill Brown		

Motion carried

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Item 6 After asking if any corrections or changes were need, Mayor Simms called for a motion to approve the minutes of the last regular council meeting April 15, 1996 and also the called meeting on May 6, 1996 and Sam Coleman, Sr. made the motion and R.W Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
Don Hendrick	

Motion carried unanimously.

Item 8 After discussion and reveiw of proposed city investment policy. Councilman Ingram made a motion to approve the policy as the investment policy for the city and Kent Havard seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
Don Hendrick	

Motion carried unanimously.

Item 9 PUBLIC FORUM

City manager asked Police Chief to comment on situation concerning animal control and plan City of Lufkin purposes ($17.00 per animal) to pick up animals for City of Diboll at a cost of $8,500. year plus $17.00 per animal. Concern were voiced by Mayor in reference to response time. City Manager commented need to consider proposal merits to determine if need temp part time or full time part time. Consenus of council is to wait and get more information. Council all concerned nad would like to have Mrs. Clark to address the council at a later date. Sam Glass remarked job was always a hassle. Linda Hamilton aske why Diboll charge $17.00 and Lufkin charge $15.00. Dave Martinez,Jr. concerned about response time.

Item 7 CHANGE ORDER A-WAY

Don Hendrick made motion to approve A-Way change order to increase contract time by 30 days and increase cost by $3,350.00 and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
Don Hendrick	

Motion carried unanimously.

Item 10 COUNCIL COMMENTS

Don Hendrick remarked concerned ladies want bridge in park looked at. Also why is the "Old Village" sign can't be taken down. Mayor concerned. R.W. Ingram wanted to know how water supply is holding. Charles Maclin said holding

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our own. R.W. Ingram asked if thought we will have to ration, reply was, not at this point. Concern voiced about possible hot dry summer.

Item 11 After discussion Kent Havard made a motion to appoint James Rhone, Geraldine Pouland and Alan Miller to serve two year terms or Commissioners of the Housing Authority of the City of Diboll and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
Don Hendrick	

Motion carried unanimously.

At this time Mayor called council into executive session.

Mayor called council back into open session. There being no further business Sam Coleman, Sr. made a motion to adjourn and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
Don Hendrick	

Motion carried and meeting was adjourned at 8:09 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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Janet L. Reynolds

Of Counsel
Paul A. Clark, P.C.

June 25, 1996

Ms. Adela Dela Fuente
116 Hines
Diboll, Texas 75941

Re: Your Accident of May 6, 1996

Dear Ms. Fuente:

I am the City Attorney for Diboll, Texas. It is my understanding that you were accidentally struck with a baseball on the evening of May 6, 1996 while visiting the baseball complex in Diboll. Your request for reimbursement of expenses was presented to the City Council on June 17, 1996. At that time, there was no motion made in support of the proposition thereby causing rejection of your request.

If you need further information or would like to discuss this matter, please feel free to contact me.

Respectfully yours,

Jimmy A. Cassels
Attorney at Law

JAC:tr

cc: Mr. Vernon Cupit, City Manager
City of Diboll
P. O. Box 340
Diboll, Texas 75941

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June 11, 1996

City of Diboll
P.O. Box 340
Diboll, Texas 75941
Attn: Vernon Cupid, City Manager

Dear Sir,

This is in regards to the $1,047.00 insurance deductible to cover damages to my residence at 401 Nogel Street. This damage was a direct result of the City of Diboll's sewage backup problem. In order for me to make arrangements for repairs to my household, an immediate response to this matter is requested.

Sincerely,

Jerry Rains

Jerry Rains

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AGENDA
CITY COUNCIL MEETING
JUNE 17, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Consider Recommendation of P & Z Board on Acceptance of Phase IV of Deer Trace Subdivision
5. Hear Report from Chief Ray on Police Department
6. Hear Report from Charles Maclin on Water & Sewer Department
7. Hear Report from Lanny Parish on City Finances
8. Public Forum
9. Council Comments

Executive Session:

Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001, the council during the course of the meeting covered by this notice, may enter into closed or executive session for the following reasons:

Section 551.071 Private consulation with the City's Attorney.

1. Possible Litigation

Section 551.074 Discussing personnel or to hear complaints against personnel

1. Discuss approving Police Reserve Officer

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 10:26 A.M., TUESDAY, JUNE 11, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, June 17, 1995, 5:15 P.M., at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Don Hendrick	Councilman	
Bill Brown	Councilman	
R.W. Ingram	Councilman	
Kent Havard	Councilman	
Sam Coleman, Sr.	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Gary Wilmon	Editor Free Press
Jimmy Mettlen	Golf Course
Danny Ray	Chief of Police
Guy Anthony	Police Officer
Jeff Taylor	Police Officer
Fred Blakemore	Police Officer
Gary Jones	Fire Chief

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Mayor Simms called for motion to approve the minutes of the May 20, 1996 City Council Meeting and Don Hendrick made the motion to approve and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	None
Bill Brown	
R.W. Ingram	
Kent Havard	
Sam Coleman, Sr.	

Motion carried unanimously.

Item 4 After discussion by City Manager detailing his discussion with Harold Maxwell and Mr. Bressie about streets in new Section IV of Deer Trace and Councilman Bill Brown made a motion to accept the recommendation of the Planning and Zoning Board to accept Phase IV of Deer Trace Subdivisin and Don Hendrick seconded.

Voting For	Voting Against
Don Hendrick	None
Bill Brown	
R.W. Ingram	
Kent Havard	
Sam Coleman, Sr.	

Motion carried unanimously.

Item 5 Police Chief Danny Ray presented a report on the activites of the Police Department. Discussed that out of 11 officers have 3 out with medical problems.

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Good bit of overtime to cover the shifts. Commented that reserve program is 5 in number. Have reserve applicants pending and are under investigation. Trying to use reserves to take up slack while officers off with medical problems. Reviewed court cases had participated in. Well street journal contacted police department about new speed laws and results. Said Task Force focused on known drug dealers. Had 2 prominent dealers, one sent to prison and other still pending. Selling area moved to another location. Still have big drug dealer in Diboll - Lufkin area operating. Communications audit was performed and one or two deficiencies were corrected. Overall police department performing job well. R. W. Ingram asked if 11 man department was comparable to cities of our size. We are working 2 people per shift. Also asked, if when officer is teaching is he on city payroll or school payroll. Answered on school payroll. Is our town's drug problem about like other cities' our size. Answered not as much because of our uniformed patrols. Mayor asked about patrol at Housing Authority and if we were still doing it. Answered yes. Patrol different hours usually Thursday - Saturday. Sam Coleman, Sr. asked if reserves paid. No, they are strictly volunteers. Mayor asked if feel like getting money's worth out of Task Force. Reply was have access to 12 officers if needed. Sam Coleman, Sr. asked could we get assistance if we had an emergency since our officers are off. Yes, could call on Task Force for help as backup.

Item 6 Charles Maclin was to present a report on the activities of the Water and Sewer Department.
Charles Maclin at doctor.
City Manager said water storage facility not ready until mid July. Said storage is limited. We don't have ability to fight a big fire at present.

Item 7 Lanny Parish presented a report on the financial status of the city as of May 31, 1996.

Item 8 Mayor Simms opened the floor to the public for comments.
No comments.

Item 9 Mayor Simms opened the floor to the council for council comments. Bill Brown commented how well the golf course is being run. Kent Havard and Mayor also complimented Jimmy Mettlen and other employees. Mayor asked about last tournament. Kent Havard asked about renting carts. Jimmy said had to rent some for tournament and made net revenue little smaller. Jimmy will give report next month.

At this time Mayor Simms called the council into Executive Session.

Mayor Simms reconvened the council in open session. No decisions were made and no votes were taken during Executive Session. The minutes taken during Executive Session are kept in a lock box inside the city's vault.

Mayor Simms asked if any discussion or motion pertaining to paying lady injured at baseball park. Item died for lack of a motion. This was for Ms. Fuente in the amount of $545.50. Mayor Simms asked if any discussion or motion pertaining to paying Mr. Rains $1,047.00 for sewage damage to his house. Item died for lack of a motion. City Attorney suggested to put up sign at baseball park pertaining to liability.

There being no further business R.W. Ingram made a motion to adjourn and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	None

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Bill Brown
R.W. Ingram
Kent Havard
Sam Coleman, Sr.

Motion carried and meeting adjourned at 8:23 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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Wayne D. Haglund, P.C.

Janet L. Reynolds

Of Counsel
Paul A. Clark, P.C.

June 25, 1996

Mr. Jerry Rains
401 Nogle St.
Diboll, Texas 75941

Re: Sewage Overflow at 401 Nogle Diboll

Dear Mr. Rains:

I am the City ATtorney for Diboll, Texas. It is my understanding that you have requested reimbursement from the City for the sum of ONE THOUSAND FORTY SEVEN AND NO/100 ($1,047.00) DOLLARS which you expended in connection with a sewage backup/overflow at your home located at 401 Nogle in Diboll.

This request was presented to the City Council on June 17, 1996 and failed due to lack of support. There was discussion involving the fact that your sewer line may cross your yard and connect to your neighbors line rather than connecting directly with the city main. The Council (based on information received from the staff) felt the original contractor who built your home may have erred in the proper layout and construction of your line.

At any rate, the Council was of the opinion that there was no negligence on the part of the City which caused your specific problem.

If you need further information or would like to discuss this matter, please feel free to contact me.

Respectfully yours,

Jimmy A. Cassels
Attorney at Law

JAC:tr

cc: Mr. Vernon Cupit, City Manager
City of Diboll
P. O. Box 340
Diboll, Texas 75941

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AGENDA
CITY COUNCIL MEETING
JULY 15, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Hear Jerry Rains Sewer complaint
5. Consider approval of Street for Deer Trace Phase IV
6. Hear Charles Maclin on Utilities Report
7. Hear Jimmy Mettlen on Golf Course Report

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 3:40 P.M., MONDAY, JULY 8, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, July 15, 1996, 5:15 P.M. at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	Bill Brown
R.W. Ingram	Councilmen	Don Hendrick
Sam Coleman, Sr.	Councilmen	
Kent Havard	Councilmen	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Gary Wilmon	Editor Free Press
Jimmy Lenderman	Police Department
Jimmy Mettlen	Neches Pines
Charles Maclin	Water & Sewer Superintendent

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Sam Coleman, Sr. made a motion to approve the minutes of the June 17, 1996 council meeting and Kent Havard seconded.

Voting For	Voting Against
R.W. Ingram	None
Sam Coleman, Sr.	
Kent Havard	

Motion carried.

Item 4 Mr. Jerry Rains did not attend the council meeting.
Mr. Cassels stated he had sent Mr. Rains a letter explaining the sewer situation at his residence and suggested he get on council agenda. Kent Havard also said Mr. Rains called him and Kent suggested he talk with Mr. Cassels.
Sam Coleman, Sr. said Mr. Rains called him also and he suggested Mr. Rains meet with the council. Mayor Simms also received a call from Mr. Rains and he told the Mayor he might retain an attorney. Mayor suggested he come to council meeting. City Manager suggested that Mr. Rains put in writing his complaints. Charles Maclin said this is first time line has stopped up since he has been here.

Item 5 After explanation by City Manager, R.W. Ingram made a motion to table item and Sam Coleman, Sr. seconded. City Manager pointed out that both designs submitted by Sabine Investment meet the citys requirements.
R.W. Ingram stated present streets built to specifications and not holding up. Asked if they had exceeded specifications, would that have helped. City Manager replied if built a street which would not buckle up would be cost prohibitive. Kent Havard questioned depth of base material. R.W. Ingram asked if city be liable for maintenance after street put in. City Manager stated that Mr. Maxwell indicated assistance will be available to repair current streets when new streets completed. Going to recommend that concrete trucks use different route for future development. City Manager stated that street would move 6 inches.
R.W. Ingram would like to talk to Sabine Investment about construction of street before built. Suggested we have representative from Sabine Investment come to a future council meeting and answer questions.

Voting For	Voting Against
R.W. Ingram	None

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Kent Havard
Sam Coleman, Sr.

Motion carried.

Item 6 Kent Havard made a motion to table this item (Charles Maclin utilities report) until next council meeting and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Sam Coleman, Sr.	

Motion carried.

Item 7 Kent Havard made a motion to table this item (Jimmy Mettlen golf course report) until next council meeting and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Sam Coleman, Sr.	

Motion carried.

Item 8 Mayor Simms opened the floor to the public for comments.
No comments from public.
City Manager stated Budget work sheets handed out are for 3 quarter. Stated city rated #21 on list for TCDP grant. Asked Billy Sims to study water and sewer rate structure with possible increase. Mayor Simms suggested that City Attorney consider noise ordinance and report back to council.

Item 9 Mayor Simms asked the council for comments at this time. No additional comments were given.

There being no further business, Sam Coleman, Sr. made a motion to adjourn and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Kent Havard	
Sam Coleman, Sr.	

Motion carried.

Meeting adjourned at 5:40 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CALLED CITY COUNCIL MEETING
JULY 25, 1995
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order

2. Invocation

3. Consider acceptance street for Deer Trace Phase Iv

Exectutive Session:

Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001, the council during the course of the meeting covered by this notice, may enter into closed or executive session for the following reasons:

Section 551.071 Private consulation with the City Attorney.

1. Pending Litigation Update

2. Status of Ad Valorem Taxes from Prison

3. Consult with City Attorney

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 2:30 P.M., MONDAY, JULY 22, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Called City Council Meeting, Thursday, July 25, 1996, 5:15 P.M. at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	Sam Coleman, Sr.
R.W. Ingram	Councilmen	
Kent Havard	Councilmen	
Bill Brown	Councilmen	
Don Hendrick	Councilmen	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Elmo Taylor	Sabine
Charles Maclin	Water & Sewer Superintendent
Mr. McAdams	Shelby Co. L.P.
Keith Link	Shelby Co. L.P.
Jimmy Lenderman	Diboll P.D.
Levy Ellison	
Gary Wilmon	Editor Free Press
Nathan Terrell	
Billy Sims	KSA

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 Mayor Simms asked Elmo Taylor, Sabine Investment to answer questions. Councilman Ingram asked if new street will hold up better than present streets. Mr. Taylor showed illustrations of typical street cross-section. Said realized problem with soil in Sections I & II. Said took soil sample from new street area and Pickett-Jacobs gave two designs by Goodwin-Lasiter Engineer. Mr. Taylor said they got a bid from contractor for concrete street. Mr. Taylor showed cross section of concrete street. Said they went 10' deep for soil sample. Said though concrete would solve most of problem. Said concrete be better. Mayor said we just wanted reassurance. Complimented Sabine for investment efforts in developing sub-division. Kent Havard asked what average lenghth of time would concrete last before problems arise, i.e-, buckling. Billy Sims said 40-50 years on concrete vs. 15-20 asphalt.
After discussion Bill Brown made a motion to accept the concrete design and Don Hendrick seconded.

Voting For	Voting Against
Bill Brown	None
Don Hendrick	
R.W. Ingram	
Kent Havard	

Motion carried unanimously.

At this time Mayor Simms called the council into Executive Session.
Mayor Simms called the council back into open session.

Public Forum
Levy Ellsion commented about joint and caulking and infiltration and Billy Sims added about monolithic curbs.

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There being no further business R.W. Ingram made a motion to adjourn and Don Hendrick seconded.

Voting For	Voting Against
Bill Brown	None
R.W. Ingram	
Kent Havard	
Don Hendrick	

Motion carried.

Meeting adjourned at 6:05 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CALLED CITY COUNCIL MEETING
AUGUST 1, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order

2. Invocation

3. Consider ammending or revoking Section 6-20 of the City Ordinance

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 10:00 A.M., MONDAY, JULY 29, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Called City Council Meeting, August 1, 1996, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	Sam Coleman
R.W. Ingram	Councilmen	Bill Brown
Don Hendrick	Councilmen	
Kent Havard	Councilmen	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney

See Attached List

Item 1 & 2 Mayor Simms called the meeting to order and asked Mr. Elzine Strong to give the invocation.

Item 3 Mayor Simms asked Jimmy Cassels, City Attorney to address agenda item. Mr. Cassels explained that the LP Gas Company had applied to install storage tanks in the city limits and the city council will have to listen to property owners within 500 feet of site under consideration for the storage facility and then decide if the ordinance needs to be altered, changed, modified or deleted and this will have to be researched to see if Railroad Commission and/ or any other laws exist that supercede the city ordiance. Recommended that council hear the citizens in the audience. R.W. Ingram suggested like to hear from the LP Shebly Company and then the citizens. Billy Bob McAdams with Shebly L.P. Gas Co. said they had applied with the Railroad Commission and that two landowners had been omitted. Have not heard from Railroad Commission. Said there have been some objections from land owners. Said intend to put office on property whether can install storage tanks or not since they have already purchased the property. Stated they always install additional safety equipment. Said they have never been turned down. R.W. Ingram what they intend to install. Mr. McAdams replied, an office and 2 storage tanks. Mayor asked what if 95% of property owners objected, would he like to hear them, Mr. McAdams said yes. Mayor Simms said city council should not take any action until hear from Railroad Commission and from our attorney and the necessary information. City Attorney asked how long take Railroad Commission and Mr. McAdams said Railroad Commission must reply within 21 days after receiving letters from property owners. Kent Havard asked if Mr. McAdams had copy of letter sent to property owner. He did not bring copy and Mr. Bennie Ford said he had copy. Mr. Ford said city received letter by certified mail. Mayor asked Mr. McAdams what would happen if something happened when no one was at the site. Mr. McAdams stated automatic remote shut-off device would activate. Don Hendrick asked what type service company would offer. Mr. McAdams answered homes, motorhomes.
Mr. Bennie Ford responded Railroad Commission not tell company can put tanks in. Said city received certified letter and said can't believe Mr. Cupit kept it from city. Mr. Ford used T W A flight 800 as example of what happened. He then read article that stated the property owners approved the installation of tanks and gave others objections and said they would knock on doors to stop this from occuring. Said he came to see Mr. Cupit and he said no ordinance against it. Said he found out had notice of meeting posted and most people didn't know of meeting. Mayor made comments. Mr. Ford addressed Mr. Cassels and said if city has ordinance and state law over rides city ordinance, city has no power to override state law. Mr. Cassels said may not be able to do

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anything. Mr. Ford said L.P. Shebly Gas Copany been working on this for 3 weeks and why council hasn't done something. Mr. Ford wants to know what city council going to do. Mayor said he needs to respond to Railroad Commission. Mayor asked how many received letter (few raised hand). Mr. McAdams said he would like to have their names so he can send letter. It will be 21 days from receipt of certified letter before Railroad Commission rules. Mr. Ricky White said Sister Carnley called an 829 number and was told it was no big deal and that company going to be operated just like the predecessor company was operated. Mrs. Terrell who lives more than 500' stated she has another problem and it bothers her and why Mr. McAdams didn't check with city before starting to move his company here. Mr. Ronnie Williams stated his concern since he has business near property under consideration. Mayor stated reason folks called by first name because we know them. Mr. Denves Morris said he lived across highway from property. Talked about kids who live by property. Mr. Bennie Ford apologized for raising voice. He asked how gas transferred to trucks. Done by PTO from truck. Mr. McAdams stated tanks have 85% liquid and 15% space for vapor. Mr. Ford asked about financial gain or loss to city. Mr. McAdams said city received no tax. Mr. Ford asked if city approves over protest, what if accident occur and apartment residents killed. Mr. Robert Esteves said had an experience at Temple years ago when he was working and he is against it. Mr. Jack Williams said he would rather not go by propane explosion. Mr. Wilkerson said against propane but like to see business come. Asked about other cities. Mr. Strong said concerned about safety why has company gone ahead with possibility. Thinks tanks should be out in county. Questioned about fire works stands across Highway 59 from property. Said he wasn't notified of city council meeting in which decision to be made. Mayor called time and further commented that we should have been more detailed in paper with agenda item. Said city not looking at this as profit motive. Mr. Burrell said he lives in apartments next to property and wanted to know what is going on. City Attorney said would like a copy of letter from Mr. Ford. Explained process Railroad Commission follows. Said anyone concerned should write Railroad Commission. Stated this agreement been in state for years. Mr. Ford said he wants council to help them fight the issue. Mr. Cassels said Railroad Commission makes the decision and council can't override state law. Stated Railroad Commission might make that decision. We are waiting to hear from Railroad Commission. Mr. Ford said believes tanks in other cities have tanks outside city. Mr. White said what if had not found out about meeting. Mr. Cassels repeated Railroad Commission process. Mr. Ford asked Mr. McAdams where tanks were located in Center. Two houses within 84' of tanks and church within 100' feet. Mayor repeated previous statements. Mr. Ford said he came down to specifically find out and why council couldn't change agenda. Mr. Cupit said he checked zoning ordinance, fire code, building code, and city ordinance and found nothing to prevent moving tanks to property and after talking with Mr. Ford found out ordinance contains Section 6-20 pertaining to the situation. Mr. Cupit stated will not have any affect on city's liability. Mr. Ricky White said his insurance increases. Mr. McAdams said his company carries $1,000,000 and plus insurance.
Don Hendrick made a motion to table until City Attorney can get additional information and city put letter in paper and get list of those in attendance and addresses and notify if comes up again as agenda item Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
Kent Havard	
R.W. Ingram	

Motion carried.

R. W. Ingram made a motion to adjourn and Don Hendrick seconded.

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Voting For	Voting Against
Don Hendrick	None
R.W Ingram	
Kent Havard	

Motion carried and meeting adjourned at 6:35 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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August 1, 1996 City Council Meeting

Wendell F. Marris RT. 1 Box 12 Diboll 75941-9702
Wanda Ford, P.O. Box 205, Diboll, Texas 75941
Byron Ford P.O. Box 205, Diboll, Texas 75941
- Robert Estes
Shirley Jerrell 1410 N Hendrix, Diboll
Billy Bob Williams - Selby Lbr Co., Inc.
- Jimmy W. Burke
Shaula White 1513 N. Temple Dr., Diboll
Ricky White 1513 N. Temple Dr. Diboll
- Eugene Strong
Leroy Ellison Rt. 2 Box 293, Diboll
- R.J. Wilperson
Jack Williams P.O. Box 20, Diboll
Ethel Ann
Ronnie E Williams 1509 N. Temple Dr., Diboll

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AGENDA
CALLED CITY COUNCIL MEETING
AUGUST 12, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order

2. Invocation

3. Budget Workshop

Posted on Bulletin Board at Diboll City Hall, 10:55 A.M., Monday, August 5, 1996.

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Minutes of a Called City Council Meeting, August 12, 1996, 5:15 P.M. at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
Don Hendrick	Councilmen	
Bill Brown	Councilmen	
Kent Havard	Councilmen	
Sam Coleman, Sr.	Councilmen	
R.W. Ingram	Councilmen	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Charles Maclin	Water & Sewer Superintendent
Billy Sims	KSA
Jimmy Mettlen	Neches Pines Golf Course
Lane Bass	Street Superintendent
Danny Ray	Chief of Police
Nick Ashworth	Parks Superintendent
Gary Jones	Fire Chief
Kevin Whiteley	Golf Course

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 City Manager presented needs in sewer plant for drying beds which will cost $200,000, to convert water well at golf course $66,000, sewer system on A.S. Davis $62,000, water system on A.S. Davis $74,000, I/I study amount will be $140,000, $342,000 total of project. Also, Mr. Billy Sims with KSA explained propsed water and sewer rates without Bond 60% to water 40% to sewer equal $1,299,740. with Bond and 60% to water 40% to sewer equal $999,830. Raises in rates will have impact on industry. Residents will get greatest benefit and industry the least. City Manager asked for guidance as to which way to go. Bill Brown suggested take lower rate across board. City Manager pointed out need to come out with amount, needed to provide money. Mayor wants to know what cost will be to largest user in dollar amounts. Department heads presented their proposed department budget for 1996-97. Adminstration will present utility rates with different scenario.

There being no further business Sam Coleman made a motion to adjourn and Don Hendrick seconded.

Voting For	Voting Against
Don Hendrick	None
Bill Brown	
Kent Havard	
Sam Coleman, Sr.	
R.W. Ingram	

Motion carried unanimously and meeting adjourned at 8:43 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
AUGUST 19, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Hear Jerry Rains concerning sewer problems
4. Consider amending Section 21-33 of the City Ordinance changing the method of calculating sewer rate charge from average to consumption basis.
5. Consider participating in COPS more grant
6. Public Forum
7. Council Comments
8. Budget Workshop

Executive Session

Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001, the council during the course of the meeting covered by this notice may enter into closed or executive session for the following reasons:

Section 551.074 Discussing personnel or to hear complaints against personnel.

1. Approve police reserve officer

Section 551.071 Private consulation with the City Attorney

2. Consult city attorney on legal update on litigation

Posted on Bulletin Board at Diboll City Hall, 9:45 A.M., Tuesday, August 13, 1996.

LATE ITEM:

1. DISCUSS INSTALLING SECURITY DOOR IN POLICE DEPARTMENT
2. APPROVE MINUTES

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 10:19 A.M., THURSDAY, AUGUST 15, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, August 19, 1996, 5:15 P.M., at Diboll City Hall.

Present	Absent
James P. Simms	Mayor
Bill Brown	Councilman
Kent Havard	Councilman
Don Hendrick	Councilman
R.W. Ingram	Councilman
Sam Coleman, Sr.	Councilman

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Jerry Rains	
Charles Maclin	Water & Sewer Superintendent
Gary Wilmon	Editor Free Press
Danny Ray	Police Chief
Eddie Matthews	Police Officer
Billy Sims	KSA

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Late Item #2 Bill Brown made a motion to approve the minutes of July 15, 1996, July 25, 1996, August 1, 1996 and August 12, 1996 with corrections made, city council meetings and Kent Havard seconded.

Voting For	Voting Against
Bill Brown	None
Kent Havard	
Don Hendrick	
Sam Coleman, Sr.	
R.W. Ingram	

Motion carried.

Item 3 Mayor Simms asked Mr. Rains to address the council. Mr. Rains said Mr. Maclin said city's main line stopped up and caused problem Mr. Maclin said city main stopped up (first time). Mr. Maclin said since Mr. Rains connected to neighbors' line and then it runs into main line. Mayor questioned both. Asked Mr. Maclin if this is city's fault. Mr. Rains said happened Friday night, called a plumber Saturday morning. Said he asked what problem was. Mayor asked Mr. Cassels if city was liable. Mr. Rains said if had been notified would be no problem. Mr. Maclin said fixed clog next day after Mrs. Rains had washed clothes and sewer backed up. Mr. Cassels said city responsible if city wants to be responsible. Mayor asked if being hooked to neighbor caused problem. Mr. Maclin said would have happended if Mr. Rains had been connected straight to line. Mr. Cassels asked if backflow preventor would have prevented problem. Possibly, Mr. Cassels asked about cost of backflow preventor. Mayor asked Mr. Rains about settlement. Mayor suggest 50-50. Mayor said we have set precedent. Mayor asked Mr. Rains if he accept 50%. Councilman Ingram asked if we can pay 50% without admitting liability. Amount to $523.50 without admitting liability and not being able to ascertain who was at fault.
Bill Brown made a motion to apy Mr. Rains $523.50 without admitting any liability and each future happening will be taken on individual case not being able to ascertain who was at fault and Mr. Rains agreed and Councilman

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Ingram seconded.

Voting For	Voting Against
Bill Brown	None
Kent Havard	
Don Hendrick	
Sam Coleman, Sr.	
R.W. Ingram	

Motion carried unanimously.

Item 4 City Manager reviewed the current ordinance stated would like to change from average consumption basis to monthly consumption basis. Mayor asked how justify to folks about sewer based on consumption. City Manager answered city has to treat amount used and discharged. Don Hendrick made a motion to amend Section 21-33 of the City Ordinance to read as follows changing the method of calculating the sewer rate charge from the average method to the consumption basis as follows: Based on the consumption of water per month per user as follows:

Water Rates	Rate
Minimum for first 3,000 gallons	$8.40
3,000 - 20,000 gallons	$1.90
20,000-100,000 gallons	$1.60
over 100,000 gallons	$1.30
Sewer Rates	
Minimum for first 2,000 gallons	$5.70
all over 2,000 gallons	$1.90

and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	R.W. Ingram
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	

Motion carried.

Item 5 COPS MORE

Mayor reveiwed discussion of last council meeting. Asked Danny Ray if he had additional information. Danny Ray itemized what Officer Matthews does in COPS FAST grant. Mr. Matthews explained what event are being consider in addition to COPS MORE grant and the results of monitoring these events. Outlined additional events being considered. Gave examples of program working. Addressed as cost effective measure if city can participate. Mayor said city spend $15,000. and take 6 months to train and no guarantee going to do this next year. If we don't continue grant person be terminated. Danny Ray said he would be up front with person about grant funds for just one year. Danny Ray explained breakdown of grant for over-time and clerical. Don Hendrick pointed out that could hire clerk for $15,000. cost to receive grant. R.W. Ingram asked if Danny has money in budget and if grant be available next year. Depends on Congress

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and administration. R.W. Ingram pointed out money has to come from somewhere. Mayor said rather hold on to $15,000. and consider cost of COPS FAST grant for this year and next year. Bill Brown asked about grant being honored if change in administration. Mayor asked about using dispatchers to do clerical work. Danny said he uses them as clerical when possible. R.W. Ingram asked if employee could be used in another department. No only in one department. Danny said he could teach clerical person to do some of the reports patrolmen do now. Mayor said he would have to vote against grant if he were voting member because he would rather keep the $15,000. Kent asked if grant is still available. Kent Havard made a motion to table this item until next council meeting and Don Hendrick seconded.

Voting For	Voting Against
Don Hendrick	None
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	
R.W. Ingram	

Motion carried.

Late Item #1
Bill Brown explained that office at P.D. is open area and possibility of someone entering and injuring patrolman and dispatcher. Mentioned could put security door at entrance of hall. Danny Ray added comments about back door of building also. Kent Havard mentioned vulnerability of dispatchers. Bill Brown asked to get with Chief Ray and get on cost of implementing security doors on front and back of building and other security measures Kent Havard seconded.

Item 6 PUBLIC FORUM
No public input.

Item 7 COUNCIL COMMENTS
No additional comments.

Item 8 Budget Workshop
City Manager explained where revenue come from for utilitities and proposed alternative for revenue. Stated city needs $490,000. additional to take care of added projects. Said recommend bond issue to take care of these capital projects and the I/I study. Recommended Alternate E which will entail 30% increase on both water and sewer rates. Discussion about I/I study and that it was last done in 1981 and that a lot of problems not corrected. Kent asked how long study take. Billy Sims said take si-seven months, and explained process of study. Said study will help prevent state from forcing city to expand sewer plant. Mayor stated study would tell city where to prioritize. R.W. Ingram stated we need to develope a procedure to address the problems. Consensus of council was in agreement with Alternate E. Kent Havard commented about equipment fund balance. City Manager talked about possibility of privitization of garbage collection. R.W. Ingram asked about condition of fire trucks. Kent said Fire Chief indicated truck in bad shape and needed new one to keep three trucks on fron line for Temple. Don Hendrick asked about privitization possibilities and length of contract. City Manager stated we are looking into these areas and pointed out that we try to keep five-hundred to six-hundred thousand in equipment fund balance.

Mayor Simms called the council into executive session. Mayor Simms reconvened the council in open session. Kent Havard made a motion to approve Dereck Chandler Woods as a new police reserve officer and Don Hendrick seconded.

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Voting For	Voting Against
Don Hendrick	None
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	
R.W. Ingram	

Motion carried unanimously.

Mayor called council into second executive session. Mayor called council back into open session. No decisions were made in executive and no votes were taken. There being no further business Council Ingram made a motion to adjourn and Bill Brown seconded.

Voting For	Voting Against
Don Hendrick	None
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	
R.W. Ingram	

Motion carried and meeting adjourned at 7:45 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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ALT E

CITY OF DIBOLL
EVALUATION OF WATER AND SEWER RATES

ALTERNATE E
OPERATING COST AND EXISTING DEBT
I/I SURVEY, WWTP, AS DAVIS, & WATER WELL COST
WITH BOND ISSUE OF $490,000

PROJECTED ANNUAL REVENUE OF	$996,376
ESTIMATED FY 1996 INCOME	$772,856
PERCENT INCREASE NEEDED	28.92%

CALCULATED WATER RATES

CATEGORY	CURRENT RATE	CALCULATED RATE	RECOMMENDED RATE
MINIMUM FOR FIRST 3000 GALLONS	$6.50	$8.38	$8.40
3,000 - 20,000 GALLONS	$1.45	$1.87	$1.90
20,000-100,000 GALLONS	$1.25	$1.61	$1.60
OVER 100,000 GALLONS	$1.00	$1.29	$1.30

CALCULATED SEWER RATES

CATEGORY	CURRENT RATE	CALCULATED RATE	RECOMMENDED RATE
MINIMUM FOR FIRST 2000 GALLONS	$4.40	$5.67	$5.70
ALL OVER 2,000 GALLONS	$1.45	$1.87	$1.90

2,000 up. 1.

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AGENDA
CALLED CITY COUNCIL MEETING
AUGUST 26, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order.

2. Invocation.

3. Hear and consider Carolyn Sewell, Diboll Independent School District Superintendent's proposal for the services of one full-time police officer to serve as AEP Coordinator/ Instructor.

4. Executive Session:

   Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001, the council during the course of the meeting covered by this notice may enter into closed or executive session for the following reasons:

   1. Section 551.071 Private consultation with the City Attorney.

      A. Consider DISD Superintendent's proposal for the service of one police officer for AEP Coordinator/Instructor.

5. Reconsider participating in COPS More Grant.

6. Approve Ordinance adopting 1996-96 Budget.

7. Approve Ordinance adopting the M & O Rate at .301192.

8. Approve Ordinance adopting the I & S Rate at .167123.

9. Consider recommendation of Parks Board for fee schedule and miscellaneous items.

10. Open and consider awarding proposal for purchase of Video Camera for Police Department.

11. Public Forum.

12. Council Comments.

POSTED ON BULLEITN BOARD AT CITY HALL Tuesday, August 20, 1996 at 11:00 A.M.

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Minutes of a Regular City Council Meeting, Monday, August 26, 1995 at 5:15 P.M. at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Don Hendrick	Councilman	
Sam Coleman, Sr.	Councilman	
Bill Brown	Councilman	
Kent Havard	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Levy Ellison	
Charles Maclin	Water & Sewer Superintendent
Mrs. Carolyn Sewell	D.I.S.D. Superintendent
Dr. Walker	D.I.S.D.
Danny Ray	Chief of Police
Jeff Taylor	Diboll Police Officer
Fred Blakemore	Diboll Police Officer
Jimmy Mettlen	Neches Pines Pro Shop
Jimmy Lenderman	Diboll Police Officer

Item 1 & 2 Mayor Simms called to order and asked Vernon to give invocation.

Item 3 Mayor Simms gave Mrs. Carolyn Sewell, Diboll Independent School District Superintendent, the floor for her presentation for the school for the services of one City of Diboll full -time police officer to serve as AEP Coordinator. Dr. Walker of D.I.S.D. presented the history behind the AEP (Alternative Education Program). Stated that problems with program using 3 or 4 officers instead of one person as coordinator/instructor. Said program is good program. Also, said wanted program to benefit all. Stated school would like to have one city policeman to work in AEP all the time and school would reimburse city for his salary while working for school. Said city still have officer available when not working with school. Salary will be competitive. Ricky Steven, Jr. High Principal addressed council about current student problems. Senate Bill 1 mandates AEP. Concerned that one person better than 3 or 4 instructors. Mrs. Sewell pointed out that officer be fully covered by their insurance company. Mayor asked if the city was covered. Mrs. Sewell said anyone can sue a city. Mayor asked if officers be in uniform. She replied no. Said school will reimburse city for salary and fringe benefits for 185 days plus any educational requirements needed to be met. Be only remainder of days since school already started this year. Said will pay attorney fee for drawing up contract. Said bottom line is have agreement set. City and school and students see this and will help keep them out of trouble. Said for continuity need one officer full time for specified period. Said if incident arises at school Chief Ray will be called. Mayor pointed out city be losing qualified officer which will have to be replaced with full-time officer. Mayor pointed out that partner will also experience loss of partner. Councilman Ingram asked if salary included bonus and etc. Mrs. Sewell said yes, but not other police items, i.e., uniforms etc. Councilman Ingram asked Mr. Cassels about liability and Jimmy Cassels said our insurance cover and co-coverage with school until we get sued. Councilman Ingram asked how we replace officer. Chief Ray said have to replace with full - time officer. Bill Brown asked about reserves being used. Also asked how much of a strain put on department. Chief Ray said put big strain.

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Chief Ray concerned with burnout factor. Mayor Simms asked if considered overtime. Reply, yes since on our payroll.

Mayor Simms called council into executive session to discuss this item (Item 4)

Item 4 Mayor Simms called council into Executive Session. Certified Agenda read by Mayor and minutes taken by Lanny Parish and are kept in a lock box in the city vault with the certified agenda.
Mayor reconvened council into open session. No decisions were made and no votes were taken in Executive Session.
Kent Havard made a motion that we want to pursue AEP with committee made up of City Manager, Sam Coleman, Sr., City Attorney, Bill Brown, Scholl Superintendent, and School Attorney, to come up with a contract between city and school for Fred Blakemore to be AEP Instructor/Coordinator and once contract comes back to council. Council will act and Councilman Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Sam Coleman, Sr.	
Bill Brown	
Kent Havard	

Motion carried unanimously.

Item 5 COPS MORE
After discussion by mayor, City Manager and Danny Ray. Chief Ray said grant people said would need cover letter explaining delay. Kent Havard made a motion to not participate in the COPS MORE Grant since working with school and if grant available next year could reconsider at that time and Bill Brown seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Sam Coleman, Sr.	
Bill Brown	
Kent Havard	

Motion carried unanimously.

Item 6 After discussion by Mayor, City Manager and council Sam Coleman, Sr. made a motion to approve an Ordinance adopting the 1996-97 Budget for the City of Diboll as presented and Councilman Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Sam Coleman, Sr.	
Bill Brown	
Kent Havard	

Motion carried unanimously.

Item 7 After discussion by Mayor, City Manager and council Kent Havard made a motion to approve Ordinance adopting the M & O rate of .301192 for the 1996-97

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fiscal year budget for the City of Dibll and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Sam Coleman, Sr,	
Bill Brown	
Kent Havard	

Motion carried unanimously.

Item 8 After discussion by Mayor, City Manager and council Kent Havard made a motion to approve Ordinance adopting the I & S rate of .167123 for the 1996-97 fiscal year budget for the City of Diboll and Sam Coleman, Sr. seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Sam Coleman, Sr.	
Bill Brown	
Kent Havard	

Motion carried unanimously.

NOTE: This makes the total advalorem tax rate .468315 for the 1996-97 fiscal year for the City of Diboll.

Item 9 City manager presented the recommendations of the Parks Board for the following fees and miscellaneous items: Increase Daily Green Fees for week-day college student to $12.00; weekend and Holiday Green Fees for college students to $14.00; yearly green fees for Individual under 62 in-county to $425.00 and individual out of county to $450.00 and family under 62 in county to $570.00 and family out of county to $670.00; also cart rental 9 holes one rider to $6.50 and 9 holes two riders to $10.00 and 9 holes one rider in fivesome to $5.00 and 18 holes two riders to $20.00 and 18 holes one rider in fivesome to $10.00 with trail fee fir players riding in private cart being required to pay a daily riders' trail fee of $9.00 or ayearly riders' trail fee. The yearly rate will be, over 62, $150.00 and under 62, $200.00. Also the 1996-97 fee structure for the Old Orchard swimming pool recommended as follows: Rental increased to $75.00; Deposit increased to $50.00 and Daily fees recommended for age 5 and under, no charge, age 6-15 to $1.00; age 15 and over to $1.50. Walter Allen daily fees are: age 5 and under, no charge; age 6-15 .50; age 16 and over to $1.25. Also recommended charge for C.H. Shepherd Scouthouse, 1/2 day (7hrs) rental to $50.00; full day rental (14 hrs) to $75.00) and deposit $25.00
Jimmy Mettlen said fees are in line with other courses and we have some major problems that need to be taken care of. Said we must go up on fees. Kent Havard and Bill Brown voiced concern and questioned Jimmy Mettlen. Don Hendrick made a motion to accept the above itemized schedule of fees for 1996-97 for Old Orchard Swimming Pool, Walter Allen Swimming Pool, Neches Pines Golf Course and C. H. Shepherd Scout House and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	Bill Brown
Sam Coleman, Sr.	
Kent Havard	
Don Hendrick	

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Motion carried.

Item 10 City Attorney, Jimmy Cassels opened proposals received for the purchase of five (5) Video Cameras for the police department as follows:

Skaggs Telecommunication Service, Inc. proposal	$20,400.00
Kustom Signals, Inc. proposal	$23,420.00

for five (5) video cameras. (See attached copies)
Kent Havard made a motion to approve the purchase from Skaggs Telecommunication Service, Inc. in the amount of $20,400.00 contingent upon review and acceptance by police chief and administration and approve 2nd (Kustom Signals, Inc.) if first bid not accepted. Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Sam Coleman, Sr.	
Bill Brown	
Kent Havard	

Motion carried unanimously.

Item 11 Mayor Simms opned the floor for comments from the public. Levy Ellison said 30% rate increase on sewer rates would cost him around $1500.00 next year. Said affects poorest of poor. R.W. Ingram asked if he understood reason for raise in rates. Said would love to have this council on school board. Mayor pointed out that 70% on fixed income and this was taken into consideration. R.W. Ingram complimented city staff for doing a good job with city finances and budget. Kent havard complimented prisoners for good job on city hall and police department grounds and would like to continue using them every three weeks as available. Vernon said Lane has them schedule for week before Diboll Day. Mayor Simms and City manager pointed out city received grant from TCDP for $87,000.00 for improvement to PHA neighborhoods.

Item 12 Mayor Simms opened the floor for additional council comments. None given.

There being no furhter business, Mayor Simms asked for a motion to adjourn and Kent Havard made the motion and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Sam Coleman, Sr.	
Bill Brown	
Kent Havard	

Motion carried and meeting adjourned at 6:55 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
SEPTEMBER 16, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call To Order

2. Invocation

3. Approval of Minutes

4. Review proposals received and award bid for Employee Health Insurance

5. Review and possible selection of Management Firm for 1996 Texas Community Development Program (TCDP) Young vs. Cisneros grant project.

6. Review and possible selection of Engineering Firm for 1996 Texas Community Development Program (TCDP) Young vs. Cisneros grant project.

7. Executive Session:

   Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001, the council during the course of the meeting covered by this notice may enter into closed or executive session for the following reasons:

   Section 551.074 Discussing personnel or to hear complaints against personnel.

   1. Consider 2 Police Reserve Officers

   Section 551.071 Private consulation with City Attorney

   2. Consider Interlocal Government contract with Diboll Independent School District for use of one city police for Alternative Education Program at school.

8. Approve Police Reserve Officers.

9. Approve Interlocal Government contract with Diboll Independent School District for use of one city police officer for Alternative Education Program at school.

10. Hear protest from STS, Inc. concerning purchase of video cameras for police department.

11. Open and award bids received for Police Department uniform cleaning.

12. Authorize asking for bids for Fire Truck (Pumper)

13. Public Forum

14. Council Comments

Posted on Bulletin Board at Diboll City Hall, 1:40 P.M., Monday, September 9, 1996.

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Minutes of a Regular City Council Meeting, September 16, 1996, 5:15 P.M., Diboll City Hall.

Present

James P. Simms	Mayor (had to leave returned at Item 13)
R.W. Ingram	Councilman
Kent Havard	Councilman
Bill Brown	Councilman
Don Hendrick	Mayor Pro-Tem (Presided until Item 13)

Absent

Sam Coleman, Sr.

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Gip Friesen	Friesen & Strain Insurance (Blue Cross)
John Strain	Friesen & Strain Insurance (Blue Cross)
Marilynn Patterson	TML Insurance
Ms. Blass	TML Insurance
Raymond Vann	Raymond K. Vann & Associates
Charles Maclin	Water & Sewer Superintendent
Gary Wilmon	Free Press Editor
Larry Lassiter	Lassiter-Goodwin Engineer
Carolyn Sewell	Diboll Superintendent
Billy Sims	KSA
Danny Ray	Police Chief

Item 1 & 2 Don Hendrick called the meeting to order and asked Vernon to give the invocation.

Item 3 Kent Havard made a motion to approve the minutes of the August 19, 1996 Council Meeting and of the Called City Council Meeting of August 26, 1996 and Councilman Ingram seconded.

Voting For	Voting Against
Don Hendrick	None

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Kent Havard
R. W. Ingram
Bill Brown

Motion carried.

Item 4 City Manager, Vernon Cupit, explained and reviewed the proposals received for Employee Health Insurance and answered questions and then recommended that the council accept the proposal from TML Insurance. John Strain addressed council. Said appreciated serving city for last 10 years. Pointed out difference out of network no 100% coverage. Kent Havard asked about filing claims. Councilman Ingram asked about required to go to the TML Network doctors. Bill Brown and Don Hendrick asked about primary physicians. Marilynn Patterson explained catastrophic expenses. Copies of proposals are attached. Bill Brown made a motion to accept TML Insurance's proposals of $284,751.48 plus LTD annual premiums of $3,876,00 based on 64 annual participates and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
Kent Havard	
R.W. Ingram	
Bill Brown	

Motion carried.

Item 5 City Manager, Vernon Cupit reviewed the proposals received (see attached) for Management firm for 1996 TCDP Young vs. Cisneros grant ($87,000.00 grant & $13,200.00 local match project and answered questions, then recommended Raymond Vann and Associates be selected.. Raymond Vann addressed council said project be for 2 years. Councilman Ingram asked how pay management from grant Raymond said. Councilman Ingram made a motion to select Raymond Vann and Associates to be the management firm to administer the 1996 TCDP (Texas Community Development Program) Young vs. Cisneros for the City and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
Kent Havard	
R.W. Ingram	
Bill Brown	

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Motion carried.

Item 6 City Manager reviewed and explained proposals received for the engineering firm for 1996 Texas Community Development Program, Young vs. Cisneros grant project and Raymond Vann explained proposal process. City Manager recommended KSA engineers as the engineering firm for the 1996 TCDP Young vs. Cisneros grant project and negotiate with and Bill Brown seconded.

Voting For	Voting Against
Don Hendrick	None
Kent Havard	
R.W. Ingram	
Bill Brown	

Motion carried.

Item 7 At this time Mayor Pro-Tem called the council into executive session to discuss and consider two items:

1. Two police reserve officers
2. Interlocal government contract with Diboll Independent School District for use of one city policeman for Alternative Education Program. No decision were made and no votes were taken during the session. The certified agenda and the minutes which were taken by Lanny Parish, City Secretary are kept in a lock box in the city vault. Mayor Pro-Tem Hendrick reconvened city council back into open session.

Item 8 Mayor Pro-Tem Don Hendrick called for discussion and motion to approve two police reserve officers. Bill Brown made a motion to approve Jeffrey R. Bridwell as police reserve officer of the City of Diboll police department and R.W. Ingram seconded.

Voting For	Voting For
Don Hendrick	None
Kent Havard	
R.W. Ingram	
Bill Brown	

Motion carried.

Item 9 After discussion and comments by City Manager, Vernon Cupit, Mayor Pro-Tem Don Hendrick and council, Kent Havard made a motion to approve entering into a Interlocal Government with Diboll Independent School District starting September 23, 1996 for use of one City of Diboll police officer, Fred

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Blakemore, for Alternative Education Program with Fred Blakemore issuing a letter that he is voluntarily pursing this and Bill Brown seconded.

Voting For	Voting Against
Don Hendrick	None
Kent Havard	
R.W. Ingram	
Bill Brown	

Motion carried.

Item 10 City Manager, Vernon Cupit explained that STS, Inc. the low bidder for the police department's video camera's had to be afforded the opportunity to appear before the city and be heard since their bid was rejected because of the number of exceptions. Since the motion of August 16, 1996 provided that the second bid proposal could be accepted if staff and police rejected the low bid for justifiable reasons, the low bid from STS, Inc. was rejected and the bid from Kustom, Inc. was accepted. Since STS did not have a representative present and they were notified by fax to respond within five days from Monday, September 9, 1996 and no response was received, the acceptance of Kustoms, Inc.'s bid proposal stands approved in the amount of $23,420.00.

Item 11 City Attorney, Jimmy Cassels opened and tabulated bids received for Police Department uniform cleaning as follows:

Rudds Cleaners	$585.00
Diboll Cleaners	$275.00
Modern Cleaners	$500.00

After discussion by Mayor Pro-Tem Don Hendrick, City Manager Vernon Cupit and councilmen and Danny Ray, Chief of Police and Jeff Taylor, patrolman made comments concerning service by Diboll Cleaners in the negative because of service. Bill Brown made a motion to accept the lowest responsible bid of $500.00 per month from Modern Cleaners and offer Diboll Cleaners opportunity to respond, with a hearing before the council, and Don Hendrick seconded.

Voting For	Voting Against
Don Hendrick	None
Kent Havard	
R.W. Ingram	
Bill Brown	

Motion carried.

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Item 12 After comments by City Manager Vernon Cupit and Gary Jones, Fire Chief, Mayor Pro-Tem Don Hendrick asked for discussion by the council. Authorizing asking for bids for one Pumper Fire Truck which is to be purchased out of the Equipment Fund. Councilman Ingram asked what going to do with old truck, Chief Jones said sell it. Gary Jones explained Houston Area Government council said state contract ends in November. Following the discussion Kent Havard made a motion to approve authorizing advertising for bids for one pumper fire truck and R.W. Ingram seconded.

Voting For	Voting Against
Don Hendrick	None
Kent Havard	
R.W. Ingram	
Bill Brown	

Motion carried.

Item 13 Mayor Simms opened the floor to public for comments.
No comments.

Item 14 Mayor Simms asked for comments from the council members.
Bill Brown wants chairs oiled. Kent Havard commented on Bingo game Saturday night and when leaving Civic Center received complaints about smoking in building.
Councilman Ingram said had out of town guest and couldn't believe allowed smoking. Councilman Ingram said need to address this topic. Bill Brown said need some kind of ordinance. Don Hendrick asked what Lufkin does. Kent commented about speeding on Wells Street and asked about doing something to control this. Danny Ray said would move radar to this location. Jimmy Cassels said received call from Railroad Commission and they had approved the placement of the big tanks but, our ordinance could prevent it. Suggested city invite Railroad Commissioners to next meeting. City needs to send letter to Free Press and to people on list.
There being no further business, Bill Brown made a motion to adjourn and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
Kent Havard	
R.W. Ingram	

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Bill Brown

Motion carried and meeting adjourned at 7:05 P.M.

~~James P. Simms, MAYOR~~
DON HENDRICK, MAYOR PRO-TEM

ATTEST:

Lanny Parish, CITY SECRETARY

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CASSELS, HAGLUND & CLARK
Attorneys at Law
117 E. Lufkin Ave.
P. O. Box 1626
Lufkin, Texas 75902-1626
Telephone: (409) 634-8466
FAX (409) 639-1939

Jimmy A. Cassels, P.C.
Wayne D. Haglund, P.C.

Janet L. Reynolds

Of Counsel
Paul A. Clark, P.C.

September 13, 1996

Mr. Vernon Cupit, City Manager
City of Diboll
P. O. Box 340
Diboll, Texas 75941

Re: Interlocal Cooperation Agreement between the City of Diboll and the Diboll Independent School District

Dear Mr. Cupit:

I have enclosed a draft of the Interlocal Cooperation Agreement between the City of Diboll and the Diboll Independent School District. Please review this and let me know if you desire any changes or additions. Ms. Sewell, Superintendent of the Diboll Independent School District, is reviewing this draft at this time and may desire changes.

Thank you for your time and attention in this matter.

Respectfully,

Wayne D. Haglund

/wg

cc: Jimmy A. Cassels

We are changing paragraphs 2.5 and 2.6

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INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE DIBOLL INDEPENDENT SCHOOL DISTRICT
AND
THE CITY OF DIBOLL

WHEREAS, the DIBOLL INDEPENDENT SCHOOL DISTRICT, hereinafter referred to as the "School District", and the CITY OF DIBOLL, TEXAS, hereinafter referred to as the "City" are authorized to execute this contract pursuant to the provisions of the Interlocal Cooperation Act, V.T.C.A., Government Code §791.011; and

WHEREAS, Texas governmental entities, including independent school districts, are authorized to provide comprehensive educational programs and services for their students; and

WHEREAS, the School District named herein desires to join with the City of Diboll, Texas, to operate a cooperative program to provide a uniformed commissioned and certified Texas peace officer, in the person of City of Diboll police officer, Fred Blakemore, to the Diboll Independent School District as a school district peace officer under the provisions of V.T.C.A., Education Code, §37.081.

WHEREAS, the School District and the City desire to enter into a cooperative agreement setting out the purpose, terms, rights, objectives, duties, and responsibilities of the contracting parties thereto; and

WHEREAS, the school district and the City have determined that creation and maintenance of the cooperative is for a public purpose, is within their statutory powers of government and that the operation of the program is the performance of its respective governmental functions.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT the Diboll Independent School District and the City of Diboll, Texas, acting by and through their duly authorized officers, do hereby covenant and agree as follows:

I.
Peace Officer to be provided by City

1.1 The purpose of this agreement is to provide a professional peace officer for service at the Diboll Independent School District Alternative School and Boot Camp program and to provide professional security for other school district events as assigned by the school administration.

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1.2 The City of Diboll contracts and agrees to provide to the Diboll Independent School District the exclusive right to the professional services of Diboll police officer Fred Blakemore, for the period beginning August 1, 1996, or upon execution of this agreement, whichever is later, until May 31, 1997. This agreement is an exclusive contract for the personal services of Officer Blakemore only. No other Diboll police officer may be substituted in place of Officer Blakemore without the prior written consent of the Diboll Independent School District and the adjustment of any other applicable provisions of this agreement.

During the period of time that the Diboll Independent School District shall have the exclusive use of the professional services of Officer Fred Blakemore, the City of Diboll will not schedule or call upon Officer Blakemore for any duty or services whatsoever, whether within or outside the duty hours assigned to Officer Blakemore by the Diboll Independent School District. By this agreement, the professional services of Officer Blakemore are exclusively controlled by the Board of Trustees and the Administration of the Diboll Independent School District from August 1, 1996, through May 31, 1997.

1.3 Notwithstanding that the professional services of Officer Blakemore are hereby contractually assigned to the Diboll Independent School District from the effective date of this agreement through May 31, 1997, Officer Fred Blakemore shall remain at all times the employee of the City of Diboll.

1.4 During the period from June 1, 1997, through July 31, 1997, and during this time period in each subsequent year in which this agreement is in effect, Officer Blakemore shall return to full time duties as assigned by the City of Diboll.

II.
Costs of Program

2.1 The City of DIboll shall pay Officer Fred Blakemore, as a City police officer, the beginning annual salary of Thirty-six Thousand Thirty-one and 20/100 Dollars ($36,021.20), which includes salary and all benefits, including but not limited to retirement, FICA, health insurance premiums, LTD, miscellaneous supplies and accessories, uniforms, unemployment contributions, workers compensation coverage, professional liability insurance coverage, continuing education and Adv. drug testing. All additional expenses associated with the employment of Office Blakemore will be paid by the City of Diboll.

The City of Diboll shall be responsible for the maintenance of all records and the compliance with all federal, state and local statutes and regulations pertaining to the employment of Officer Fred Blakemore.

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2.2 It is agreed that the City of Diboll shall have the authority to grant increases in salary and benefits to Office Blakemore at any time during the term of this agreement. However, the parties agree that the Diboll Independent School District shall be entitled to thirty (30) days written notice in advance of the beginning of any increase for which the school district would be responsible to reimburse the City.

2.3 the City of Diboll shall invoice and the Diboll Independent School District shall reimburse the City of Diboll, on a _____ basis, the sum of Three Thousand Two and 60/100 Dollars ($3,002.60) per month for each of the ten (10) months during which Officer Blakemore is contractually assigned to the school district by this agreement. The obligation of the School District to reimburse the City shall be prorated on a per diem basis for the first month of this agreement, beginning with the first full day on which Officer Blakemore reports for duty at the assignment of the School District.

The duty of the Diboll Independent School District to reimburse the City of Diboll shall be abated on a per diem basis for any time during which Officer Blakemore is unable to report to work for any reason whatsoever, excepting sick leave, personal leave or vacation (or except as herein otherwise provided), as authorized by the official personnel policies of the City of Diboll.

2.4 The City of Diboll shall provide all life, health, accidental death, disability insurance, worker's compensation and unemployment benefits for Officer Blakemore as is in effect for Officer Blakemore at the beginning of this agreement or as may be added for other peace officers employed by the City of Diboll. It is agreed that the Diboll Independent School District shall have no responsibility or liability for any claims made by Officer Blakemore, his estate, his heirs, or assigns or made by others for claims arising out of the duties of Officer Blakemore.

2.5 The City of Diboll shall pay for and provide automobile liability coverage for Office Blakemore as a City police officer. The Diboll Independent School District shall not be responsible for any car expense or other expenses of Officer Blakemore, except as herein agreed or except as may be subsequently agreed to in writing by the Diboll Independent School District.

2.6 It is agreed that the Diboll Independent School District is contracting for the services of Officer Blakemore as a non-hourly or "exempt employee." It is agreed that the Diboll Independent School District shall not be responsible for payment of any overtime pay or benefits.

It is agreed that the Diboll Independent District shall assign Officer Blakemore to security duty after hours, on week-ends, or holidays for school and extra curricular activities without responsibility for overtime pay.

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2.7 Notwithstanding the provisions of any City of Diboll or Diboll Police Department personnel policies, during the term of this agreement, the Diboll Independent School District shall have the authority to direct and require that Office Blakemore's vacation days be taken during scheduled holidays in the school district calendar, such as during the Christmas holidays or spring break. The Diboll Independent School District shall approve, in advance, all requests by Officer Blakemore to be off work on a scheduled school day, which requests must be in writing and must be submitted at least _____ (___) days in advance of the work day to be missed.

2.8 The City of Diboll shall provide professional liability insurance for Officer Fred Blakemore and, as between the parties to this agreement, shall be responsible for all costs, including defense costs, attorney's fees and damages arising out of the professional law enforcement activities of Office Blakemore.

2.9 The City of Diboll shall remain exclusively responsible for any police training, continuing education or other instruction which may be required for the maintenance and continuation of Officer Blakemore's certification as a peace officer in Texas, consistent with its policies and practices with members of the Diboll Police Department.

Article III.
School District Jurisdiction and Duties

3.1 The Board of Trustees of the Diboll Independent School District shall exclusively determine the jurisdiction, specific job duties and assignments and scope of the on-duty and off-duty law enforcement and security activities of Officer Blakemore.

3.2 The Diboll Independent School District and the City of Diboll hereby contract and agree that the jurisdiction of Officer Blakemore shall include all territory in the jurisdiction of the City of Diboll and any property of the School District outside of the City of Diboll.

3.3 It is agreed that the City of Diboll and the Diboll Independent School District shall enter into one or more Memoranda of Understanding which outline reasonable communication and coordination efforts between the parties to this agreement.

3.4 It is stipulated and agreed that Officer Blakemore is prohibited from administering any corporal punishment to any Diboll Independent School District student. However, this prohibition is not intended to limit the appropriate response of Officer Blakemore as a peace officer if any situation which involves the security and protection of any property of the School District or the safety and welfare of any person in the jurisdiction of the peace officer.

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Article IV.

4.1 This agreement may be terminated by either party upon the giving of _____ (_____) days advance written notice of its intent to terminate. Such notice shall be mailed, by certified mail, return receipt requested, to either party at the following addresses:

City of Diboll
P. O. Drawer 340
Diboll, TX 75941

Diboll Independent School District
401 Dennis
Diboll, TX 75941

4.2 This agreement shall be considered for renewal annually by the parties. Renewal shall be accomplished by an annual written resolution of the Board of Trustees of the Diboll Independent School District and by the City Council of the City of Diboll. The renewal shall take effect upon the expiration of the prior term.

4.3 The parties stipulate that all of the services herein contracted for are strictly governmental functions and that each governing body has budgeted sufficient funds from current revenues to satisfy its obligations hereunder, and that all such payments made under this contract shall be made from current revenues.

4.4 The parties stipulate and agree that the contractual payments required by this agreement are in amounts which fairly compensate the performing party for the services and functions performed under this contract.

4.5 Any modification of this terms of this agreement shall be in writing and shall become effective only upon the signature of the authorized representative of each party.

4.6 This Interlocal Agreement is authorized by the governing body of each party as evidenced by the Resolutions of each, which are incorporated herein by reference for all purposes and as evidenced by the signatures below.

This agreement is agreed to, approved and executed in multiple original counterparts, this the _____ day of _____, 1996.

THE CITY OF DIBOLL

BY: _____
Vernon Cupit, City Manager

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THE DIBOLL INDEPENDENT
SCHOOL DISTRICT

BY: _____
Carolyn Sewell, Superintendent

THE STATE OF TEXAS §
COUNTY OF ANGELINA §

BEFORE ME, the undersigned, a Notary Public in and for said state, on this day personally appeared Vernon Cupit, City Manager of the City of Diboll, known to me to be the person or persons who executed the foregoing Cooperative AGreement and Interlocal Contract and acknowledged to me that the same was executed or signed for the purposes and consideration therein expressed; that he executed the same as his free and voluntary act and deed after having it fully explained, and after having read it fully, and after realizing the effect thereof to be a full and final Cooperative Agreement and Interlocal Contract for any matter or thing dealt with in the Cooperative Agreement and Interlocal Contract and that the same was executed without any threat, force, fraud, duress, or representation of any kind by any person whomsoever; and that the signatory representative at the time of execution of the Cooperation Agreement and Interlocal Contract was completely sober, sane, and capable of understanding the character of his acts and deeds and was in complete charge of all his faculties and capable of executing this instrument with full authority for the represented entity, and of understanding the significance of his acts.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of September, 1996.

_____
Notary Public, State of Texas

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Called City Council Meeting
Tuesday, October 1, 1996
5:15 P.M.

1. Call to Order

2. Invocation

3. Executive Session:

   Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001, the council during the course of the meeting covered by this notice may enter into closed or executive session for the following reasons:

   Section 551.071 Private consulation with City Attorney

   1. Discuss possible litigation.

4. Consider amending City Ordinance to allow Shelby Gas Co to install LP Gas storage tanks within the city limits.

5. Discuss ambulance services to the city of Diboll.

6. Discuss entering contract with Houston Galveston Area Council of Government for purpous of purchasing equipment.

7. Discuss purchasing a fire truck.

8. Public Forum

9. Council Comments

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 4:45 P.M.. THURSDAY, SEPTEMBER 26,1996.

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Minutes of a Called City Council Meeting, Tuesday, October 1, 1996, 5:15 P.M., at Diboll City Hall.

Present		Absent
Don Hendrick	Mayor Pro-Tem	James P. Simms
R.W. Ingram	Councilman	
Sam Coleman, Sr.	Councilman	
Kent Havard	Councilman	
Bill Brown	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney

See Attached list of attendance

Item 1 & 2 Mayor Pro-Tem Don Hendrick called the meeting to order and asked Vernon to give the invocation.

Item 3 At this time Mayor Pro-Tem Don Hendrick called the council into executive session.

Mayor Pro-Tem Don Hendrick called the council back into open session. No decisions were made and no votes were cast in the executive session. Minutes of the executive session were taken by Lanny Parish and with the certified agenda are kept in a lock box in the city's vault.

Item 4 Consider amending City Ordinance to allow Shelby Gas Co. to install LP Gas storage tanks within city limits.
Mayor Pro-Tem Don Hendrick asked Jimmy Cassels to comment. He said his understanding that Railroad Commission approve safety of tanks and approved request. Said Mr. Petru with Railroad Commission is here and said Mr. Petru would like to make presentation. Mr. Petru said Railroad Commission had not approved installation because can't unless city amends ordinance. Said he has video that he would like to show. He explained from blackboard part of video that had been erased accidentally. Explained that he drove the truck in the video. Don Hendrick asked if there had ever been a malfunction. Replied no. Mr. Petru explained and demonstrated valve and that valve can be shut down remotely at well or manually and with heat. Don Hendrick asked about seal. Kent Havard asked if Gary Jones had seen demonstration he said yes. Mr. Holt stated tanks company has these valves in their tanks. Mr. Petru said he prefers pneumatic valves. He then diagrammed valve on blackboard and explained safety features. Sam Coleman, Sr. asked how safe be in electrical storm.. Mr. Petru said was

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grounded. Mr. White asked what happened if rifle hit tank. Mr. Petru said never had bullet to penetrate tank. Bennie Ford asked about valve freezing. Mr. Petru said valves tested in 45 degree. Mr. Ford asked about air and lack of pressure. If no pressure valves shuts off according to Mr. Petru . James Leftwich said valve remains closed unless opened by air pressure. But must be manually opened. R.W. Ingram said have Total gas station asked which most hazardous gas or LP? Mr. Petru said gas stations. Mr. McAdams with Shelby L.P. Gas Co. asked if Railroad Commission disapproved and Mr. Petru said system was completely safe and said Railroad Commission would approve if city ordinance was amended. Also asked if Shelby Company had good record, Mr. Petru said yes. Mr. White said location where tanks to be located was pond filled in with appliances and trash.. Mr. Petru stated get weight of LP gas and weight of gas and must be sure foundation to hold weight. Said inspector will inspect site and company must insure that foundation will hold. Don Hendrick asked who writes regulations, Mr. Petru said Railroad Commission write regulations and inspects on site inspectors for final. If they approve, will only be construction tentative of approval. All issues be looked at before final approval. Mr. Petru said if in flood plain company must properly secure. R.W. Ingram asked if Railroad Commission make annual inspections. Mr. Petru said yes. Sam Glass said E.A. Holder was going to put trucking company there but wouldn't because wouldn't hold up trailers. Mr. Petru again reassured he would dictate letter addressing them. Asked questions about distance from Railroad tracks. Mr. Petru responded must be 50 feet from ROW of train track not from tracks. Mr. Petru said if value not operable when inspected they shut company down. Bennie Ford said eventually everything mechanically fail. Mr. Petru said has never happened. Said not here to get rules changed. Also asked Fire Chief Jones if he agreed with Railroad Commission presentation and Mr. Jones said yes. He asked Mr. Jones in his opinion which would be more dangerous gas station or LP tanks and Mr. Jones said tanks. Bennie Ford asked about LP gas and Mr. Petru said would hover close to ground and he also explained hose connected to valve and expansion of hose if truck pulls away before disconnected. Joe Parish said many trucks and trains come and go everyday and more worried about those than stationary tanks. Sam Glass said council should be worried about tax payers. R.W. Ingram said be would hate to see one next to his office. Don Hendrick asked for motion to amend ordinance . No motion, so ordinance stands as is.

Item 5 Discuss Ambulance Service to the City of Diboll

Mr. Claude Welch, Attorney for Gaddy's Ambulance service addressed council. He introduced Joe & Lila Gaddy made remarks about them and their business. Said their business seems to constantly be in courthouse because of some conflict, but not sure why. Stated that 3 people assigned to Diboll office have 1995 vehicle and advanced life support equipment on the vehicle. Said Brad Mitchell heading up operation in Diboll and gave his qualifications and also gave other two attendants qualifications. Mr. Welch pointed out that they are not here to step on anyone's toes. Said city handles 90 % of 911 calls. Said hopes folks here will eventually call Gaddy's instead of 911. Said legislature is studying how to solve these type ambulance problems. Said Gaddy's don't know if can respond to automobile accident across street. Pointed out communication equipment in each vehicle. Covered licenses which Gaddy's has. In September 1994 legislature

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passed law that any entity can enter into an exclusive contract with a service. Said this law is going to change. Said not here in adversary way and want to be a part of the community. Said would be willing to answer questions. Sam Glass said never had exclusive contract in his business. Don Hendrick asked for questions. Mr. Welch asked who objecting to service. Bill Brown asked why City of Lufkin enter into exclusive contract. Mr. Welch answered city felt like needed first class service and there was no other service. Councilman Ingram asked, (1) can our EMTS work with Gaddy's and (2) why are we here? Joe Parish said when started EMT service was because Lufkin didn't have service here. Said if Gaddy here all our EMTS can do is stabilize. If take Lufkin 15 minutes to get here and Gaddy's can get here before our EMTS can , our EMTS made because don't get paid if don't get call. Joe Parish pointed out average 8 people per run per month, per year gets expensive. Gary Jones said been working with Lufkin for 16 years. Said Lufkin has exclusive contract for 911 calls. Mr. Welch said Lufkin does not have exclusive contract for 911. Gary Jones said Lufkin gets all 911 calls. Said don't like 3 ambulances running highway at same time. Don Hendrick asked if our EMTS first responder. Mr. Jones answered yes. Bill Brown asked if charged for responding. Diboll no and Mrs. Gaddy said Gaddy's does not charge unless they transfer. Gary Jones said been talking to Lufkin for a while. Sam Glass said had bad experience with 911. Sam Coleman Sr. asked Gary Jones if Lufkin would put ambulance in Diboll and said yes if city put exclusive contract in ordinance. Mr. Welch asked if Gaddy's had had bad experience since been here. Answer no. Ruth Oates commended Diboll EMTS and said Lufkin average response time is 8-10 minutes. Talked about incidents and experience. Gaddy's employee said he deals with patient when arrives on scene. Bill Brown asked if our EMTS have 8 people go . Said no. Gary Smith asked if we done our job for 16 years and new service comes to town, wonder why? He thought should get together with each service and work out problem. Gaddy employee said he does not look down on Diboll EMTS. Mr.Oates asked if have accident and only need one ambulance - said that no charge if didn't transfer. Said patient has choice, if can't make choice said our EMTS work on proto call which is Lufkin. Rick Eubank said if work on proto call Lufkin ambulance be used. Darrell Roberts said there was no communications from city manager down and if this had been done not be here tonight. Bill Brown said have to consider voters when make decision. Vernon Cupit asked Mr. Gaddy to tell meeting if he paved way for them to come. Mr. Gaddy said he asked if there was city ordinance pertaining to locating an ambulance here. Vernon said he talked with C.G. Maclin and he said the only way they would put ambulance down here unless they had exclusive contract. Vernon said he couldn't answer for council but he wouldn't recommend it. John Ray Baxter said should put the patient first and quit the squabble and Diboll respond first and then call which ever service is closest. Darrell Roberts said we work as 911 and Gaddy's is not to respond unless they are called. Bill Brown said if first responder call ambulance. Mr. Welch offered to come and discuss with Gary Jones.

Item 6 Discuss entering contract with Houston Galveston Area Council of Government for purchase of purchasing equipment.
City Manger said we have discussed with Houston Galveston Area Council about possibly purchasing. We must have contract before we can purchase.

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Bill Brown made a motion to sign purchasing contract with Houston Galveston Area Council and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	

Motion carried unanimously.

Item 7 Discuss purchasing a fire truck

Mr. Cassels said council approved going out for bids and consider purchasing fire truck from HGAC and if we purchase from HGAC we must approve the contract with HGAC and reverse previous approval to go out for bids. City Manager said two other companies have submitted brochures. Gary Jones said HGAC has submitted bid. Council looked at brochures. Gary Jones said have not had any problem with EI. Don Hendrick asked if be proper if we accept bids. Gary Jones said truck is $172,000.- $175,000. and our cost on Demo was $153,000. and HGAC get 1.75 % fee. City Manager stated that one reason need to go out for bid is because city may owe state in excess of $100,000. because Temple Inland paid taxes on equipment they should not have. Also going out for bids will give us competitive prices. Kent Havard asked how long to write specs. Gary Jones said he has specs. Don asked for motion to reverse prior council action and no motion was made so prior approval for bids stands. Kent Havard said he was in favor until found out about city possibly having to pay $100,000. plus back to state but now thinks we need to go out for bids and wait and Bill Brown concurred. Councilman Ingram asked if Gary Jones looked at EL and we are bidding through HGAC.

Item 8 Public Forum
No comments.

Item 9 Council Comments
Kent Havard asked if anyone got calls about Diboll Day Parking.

There being no further business Sam Coleman Sr. made a motion adjourn and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Sam Coleman, Sr.	

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Kent Havard
Bill Brown

Motion carried. Meeting adjourned at 7:57 P.M.

~~James P. Simms, MAYOR~~
DON HENDRICK, MAYOR PRO-TEM

ATTEST:

Lanny Parish, CITY SECRETARY

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CLAUDE E. WELCH
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P.O. Box 1574
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Certified Legal Assistant

Telephone: (409) 639-3311
Telecopier: (409) 639-3049

September 26, 1996

Mr. Vernon Cupit, City Manager
City of Diboll, Texas
City Hall
Diboll, Texas 75941

Re: Gaddy's Ambulance Service

Dear Mr. Cupit:

I have spoken with Jimmy Cassels, your city attorney regarding the Council's concern regarding Gaddy's Ambulance Service operating in your city.

Enclosed with this letter are several copies of an informational packet regarding Gaddy's. This packet was prepared last year, and it is not completely current. However, I believe it will serve the purpose of providing council members with relevant information about Gaddy's services, equipment, qualifications, and personnel. I would appreciate it very much if you would provide each council member with a copy of this packet far enough in advance of the October 1st Council Meeting to afford them an opportunity to review this information before the meeting.

I am looking forward to attending the Diboll City Council Meeting on Tuesday, October 1, 1996.

Sincerely,

Claude E. Welch

03/4670.15.092696.cor

Enclosures
Copy of Information Packet

cc: Mr. Joe Gaddy
Gaddy's Ambulance Service

Mr. Jimmy Cassels

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AGENDA
CITY COUNCIL MEETING
OCTOBER 21, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to order.

2. Invocation

3. Approval of Minutes

4. Consider and approve City Noise Ordinance

5. Consider a Resolution authorizing the publication of notice of intent to issue a maximum $490,000. combination tax and utility system subordinate lien revenue certificate of obligation.

6. Consider approving financial service contract with Southwest Securities, Inc

7. Discuss and approve ordinance providing for traffic administration and enforcement of traffic regulations: prohibiting parking on portions of U.S. Highway 59 in the City of Diboll, Texas..

8. Public Forum

9. Council Comments

EXECUTIVE SESSION:

Executive Session pursant to the following sections of the Texas Open Meeting Act.

551.074 Discuss Personnel Issues
Discuss Fire Department Personnel

551.075 To Confer with Employees of the Fire Department to receive information or ask questions.

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 9:30 A.M., WEDNESDAY, OCTOBER 16, 1996.

Copies held at The History Center, Diboll, Texas www.TheHistoryCenterOnline.com 1999:077

Minutes of a Regular City Council Meeting, October 21, 1996, 5:15 P.M., Diboll City Hall.

Present		Absent
R.W. Ingram	Councilman	James P. Simms, Mayor
Don Hendrick	Mayor Pro-Tem	
Sam Coleman, Sr.	Councilman	
Kent Havard	Councilman	
Bill Brown	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Ed Moore	VP Southwest Securities
Ruth Oates	Diboll Fire Dept.
Darrell Roberts	Diboll Fire Dept.
Gary Mike Smith	Diboll Fire Dept.
Buddy Mills	Diboll Fire Dept.
Marty Roberts	Diboll Fire Dept.
James Leftwich	Diboll Fire Dept.
Daniel Zarzoza	Diboll Fire Dept.
Tony Homan	Diboll Fire Dept.
Bunny Cavazos	Diboll Fire Dept.
Gary Wilmon	Editor Free Press
Danny Ray	Chief of Police
Sandra Ray	

Item 1 & 2 Mayor Pro-Tem Don Hendrick called the meeting to order and asked Vernon to give the invocation.

Item 3 APPROVAL OF MINUTES
After review of the September 16,1996 and October 1, 1996 city council minutes, Sam Coleman, Sr. made a motion to approve both meetings minutes and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
R.W. Ingram	

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Motion carried.

Item 4 CONSIDER & APPROVE CITY NOISE ORDINANCE
After presentation of City Manager and Jimmy Cassels, City Attorney of the proposed Noise Ordinance for the City of Diboll, Bill Brown made a motion to approve the ordinance and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
R.W. Ingram	

Motion carried unanimously.

Item 5 City Manager presented and discussed the proposed Resolution authorizing the publication of notice of intent to issue a maximum $490,000. combination tax and utility system subordinate lien revenue certificate of obligation after which R.W. Ingram made a motion to approve the resolution and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
R.W. Ingram	

Motion carried unanimously.

Item 6 City Manger presented and discussed the proposed financial service contract with Southwest Securities, Inc. for the $490,000. Certificate of Obligation issue and Ed Moore with Southwest Securities answered questions, after which Kent Havard made a motion to approve the proposed financial contract with Southwest Securities, Inc. and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	

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R.W. Ingram

Motion carried unanimously.

Item 7 City Manager presented and discussed the proposed City Ordinance providing for traffic administration and enforcement of traffic regulations prohibiting parking on portions of U.S. Highway 59 in the City of Diboll, after which Sam Coleman, Sr. made a motion to approve the ordinance and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
Sam Coleman, Sr.	
Kent Havard	
Bill Brown	
R.W. Ingram	

Motion carried unanimously.

Item 8 At this time Mayor Pro-Tem Don Hendrick opened the floor for public forum comments from the audience. Kent Havard brought up questions of smoking in civic center. Bill Brown said would like to go further. Don Hendrick said like to look at both ways limited and unlimited.
Darrell Roberts about considering other business establishments on Highway 59.

Item 9 At this time Mayor Pro-Tem Don Hendrick asked for any council comments.
No comments.

EXECUTIVE SESSION:
At this time Mayor Pro-Tem Don Hendrick convened the council into executive session to discuss fire department personnel and to confer with employees of the Fire Department to receive information or ask questions.

At this time after executive session, Mayor Pro-Tem Don Hendrick reconvened the council into open session. No votes were cast and no decisions were made during the executive session. Minutes of the session were taken by Lanny Parish, City Secretary and with the certified agenda of the session kept in a lock box in the city's vault.

There being no further business R.W. Ingram made a motion to adjourn and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	

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Sam Coleman, Sr.
Kent Havard
Bill Brown
R.W. Ingram

Motion carried and meeting adjourned at 6:45 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
MONDAY, NOVEMBER 18, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order

2. Invocation

3. Approval of Minutes

4. EXECUTIVE SESSION:

   Under the authority of Texas Open Meeting Act, Texas Government Code Section 551.001 et, seq., the Council during the course of the meeting covered by this notice, may enter into closed executive session for the following reasons:

   551.001 Private consultation with City Attorney.

5. Hear Angelina County Juvenile Services Representative concerning liability issue of juvenile offenders performing community service with City of Diboll.

6. Discuss No Smoking Ordinance for City of Diboll.

7. Discuss Ordinance prohibiting parking on portions of U.S. 59 in City of Diboll.

8. Seek approval to purchase two police vehicles from the Houston Galveston Area Council (HGAC) in lieu of bidding vehicles locally.

9. Approve Resolution for Young vs. Cisneros Grant

10. Consider all matters incident and related to the issuance and sale of $490,000 "CITY OF DIBOLL, TEXAS, TAX AND UTILITY SYSTEM SUBORDINATE LIEN REVENUE CERTIFICATES OF OBLIGATIONS, SERIES 1996", dated December 1, 1996, including the passage and adoption of an ordinance authorizing the issuance of such certificates of obligation.

11. Authorize going out for bids for private vendor collection of garbage.

12. Consider appointing Police Reserve Officer.

13. Discuss and consider updating or revising a new policy manual for the City of Diboll.

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14. Public Forum

15. Council Comments

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 10:25 A.M., TUESDAY, NOVEMBER 12, 1996

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Minutes of a regular City Council Meeting, November 18, 1996, 5:15 P.M., Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Don Hendrick	Councilman	
Kent Havard	Councilman	
Bill Brown	Councilman	
Sam Coleman, Sr.	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Danny Ray	Chief of Police
Ed Moore	Southwest Securties
Sandra Ray	
Charles Maclin	Water & Sewer Superintendent
Pete Weeks	
Gary Wilmon	Editor Free Press
James Rhone	
Richard Thompson	Police Officer
Jimmy Mettlen	Neches Pines

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 After discussion Mayor Simms, called for a motion to approve the minutes of the October 21,1996 City Council meeting with Don Hendrick making the motion and R.W. Ingram seconded.

Voting For	Voting Against
R. W. Ingram	None
Don Hendrick	
Kent Havard	
Bill Brown	
Sam Coleman, Sr.	

Motion carried.

Item 4 At this time Mayor Simms called the council into executive session.

At this time, after executive session Mayor Simms called the council back into open session. No votes were cast and no decisions were made in the executive session. Minutes were taken by Lanny Parisjh and with the certified agenda are kept in a lock box in the city's vault.

Item 5 Mayor asked reprentative of Angelina County Juvenile Services to spealk concerning the liability issue of juvenile offenders performing community service with the City of Diboll. No one was present to respond.

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Item 6 Mayor asked for discussion pertaining to a No Smoking Ordinance for the City of Diboll, City Manager stated we did not get specific. Bill Brown said we need it for all city Minicipal buildings and city vehicles. Kent Havard said lke to be tobacco free. R.W. Igram asked about mechanic dipping skoal. Asked Jimmy Cassekls to draw up draft. Sam Coleman Sr. if complaints had been received by workers at Civic Center. Sam Coleman, Sr. asked Danny Ray how he thinks his personnel would respond. Other comments were made by council. Mayor asked Jimmy Mettlen how would affect pro-shop. Said didn't think would affect much. Jimmy Cassels said let him drawn up draft and let council consider and mayor concurred.

Item 7 Mayor Simms called for discussion of an Ordinance prohibiting parking on portions of U.S. 59 in the City of Diboll. City Manager said we discussed this last month and hoped would have someone here at the council meeting to speak Said would suggest that we go from improved shoulder to improved shoulder. Pete Weeks said in front of Smokies car lot has affect. R.W. Ingram said thought should change to improve shoulder to improve shoulder. Don Henrick concurred that this was his idea also. Council authorized Jimmy Cassels to draft ordinance using shoulder.

Item 8 Mayor asked for motion to approve the purchase of two police vehilces from the Houston Galveston Area Council (HGAC) in lieu of accepting bids for the vehilces and City Manager said large dealership would sell vehicles at same price as HGAC without adminstrate fee. Said would like to go out for bids. Don Hendrick made a motion and R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Kent Havard	
Bill Brown	
Sam Coleman, Sr.	

Motion carried.

Item 9 Mayor Simms asked for discussion concerning approving a resolution for the city's Young vs Cisneros Grant and Sam Coleman, Sr. made motion. R.W. Ingram seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Kent Havard	
Bill Brown	
Sam Coleman. Sr.	

Motion carried.

Item 10 Mayor asked city manager and Ed Moore, with Southwest Securities to explain the issuance of and sale of $490,000. City of Diboll, Texas, Tax and Utility Subordinate Lien Revenue Certificates of Obligations, Series 1996 dated December 1, 1996 and called for a motion to adopt an ordinance authorizing the issueance of such certicates of obligation to Southwest Securities, Inc.(see list of proposals received) and Sam Coleman, Sr. made the motion and R.W. Ingram seconded. Ed Moore explained issue and opened and went over bids. Said Southwest Securities is arms-length transaction.

Voting For	Voting Against

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R.W. Ingram	None
Don Hendrick	
Kent Havard	
Bill Brown	
Sam Coleman, Sr.	

Motion carried unanimously.

Item 11 Mayor Simms asked city manager and city attorney to comment on the status of private vendor collection of garbage. Vernon discussed options and bidding. Bill Brown made a motion to authorize to go out for bids for private vendor collection of garbage and Don Hendrick seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Kent Havard	
Bill Brown	
Sam Coleman, Sr.	

Motion carried unanimously.

Item 12 Mayor asked for discussion concerning appointing Daniel Brakefield as Police Reserve Officer. City Manager discussed. After discussion Kent Havard made a motion to appoint Daniel Brakedield as Police Reserve Officer and Bill Brown seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Kent Havard	
Bill Brown	
Sam Coleman, Sr.	

Motion carried unanimously

Item 13 Mayor called for discussion of updating or revising a new policy manual for the City of Diboll. City Manager pointed out that Councilman Havard requested this item. Kent pointed out that policy manual outdated since it was instituted and revised. Don Hendrick asked how done. Kent Havard said county just did this with help of attorneys.. R.W. Ingram commented that Jeff Holberg was here when last manual drafted. City Manager said some companies perform this job in answer to Councilman Ingram. Don Hendrick said cost Temple $25,000. to get new personnel policy manual. All council concurred. Bill Brown suggested to put on agenda item for next meeting. R.W. Ingram asked city manager to investigate.

Item 14 Mayor asked for comments from the public. Mayor said appreciate, Pete Weekd, James Rhone and Sandra Ray being here.

Item 15 Mayor asked for any additional council comments. Asked if could change December 9 th council concurred. Kent Havard said many street lights out. Said get list to Larry Jensen he will fix them. Mayor asked Danny Ray to get list and give to Larry Jensen. Bill Brown asked how difficult to put grill at Golf Course. What do we need to do? Bill Brown wants item put on agenda to discuss.

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There being no further business, Mayor Simms called for a motion to adjourn and Sam Coleman, Sr. made the motion and Bill Brown seconded.

Voting For	Voting Against
R.W. Ingram	None
Don Hendrick	
Kent Havard	
Bill Brown	
Sam Coleman, Sr.	

Motion carried and the meeting was adjourned at 6:45 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CITY COUNCIL MEETING
MONDAY, DECEMBER 9, 1996
5:15 P.M.
DIBOLL CITY HALL

1. Call to Order
2. Invocation
3. Approval of Minutes
4. Open, tabulate and award bid for police cars.
5. Consider and take action on proposals for private vendor garbage service
6. Consider recommendations of P & Z Board for location of mobile home on Cypress Street
7. Consider request from Robert Rast for utilities (sewer and water) outside city limits
8. Discuss operating Snack Bar-Grill at Golf Pro-Shop
9. Consider approving No Smoking Ordinance
10. Consider approving No Parking Ordinance along Highway 59
11. Consider rewriting and updating Personnel Policy Manual
12. Authorize going out for bids on 20 golf carts
13. Authorize going out for bids for Fairway Mower

*14 Consider request of Fire Department for an additional $3,056.00 in Direct Contributions and if approved amend budget line item 10-07-66010

*15. Consider annual renewal of cooperative agreement with City County Health District

16. Public Forum
17. Council Comments

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 2:20 P.M. MONDAY, DECEMBER 2, 1996.

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EXECUTIVE SESSION:

Under the authority of Texas Meeting Act, Texas Government Code Section 551.001 et seq., the Council, during the course of the meeting covered by this notice, may enter into closed or executive session for any of the following reasons:

551.071 Private consultation with the City's Attorney

1. Consultation with City Attorney to update legal matters

* LATE ITEMS
POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 10:15 A.M., WEDNESDAY, DECEMBER 4, 1996

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Minutes of a Regular Council Meeting, December 9. 1996, 5:15 P.M., City Hall, Diboll, Texas. This meeting was moved from December 16, 1996.

Present		Absent
James P. Simms	Mayor	None
Don Hendrick	Councilman	
Bill Brown	Councilman	
R.W. Ingram	Councilman	
Sam Coleman, Sr.	Councilman	
Kent Havard	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Sandra Ray	
Marty Roberts	
Darrell Roberts	
Ruth Oates	
Gary Wilmon	
Sammy Tucker	
Butch Parish	
Gary Jones	Fire Chief
Joe Williams	
Roy Rios	
Ed Lura	
Weldon Hunter	
Charles Maclin	Water & Sewer Superintendent
Levy Ellison	
James Leftwich	
Bunny Cavazos	

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 After discussion, Mayor Simms called for a motion to approve the November 18, 1996 city council minutes with Sam Coleman, Sr. making the motion and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None

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Bill Brown
R.W. Ingram
Sam Coleman, Sr.
Kent Havard

Motion carried unanimously.

Item 4 Jimmy Cassels, City Attorney opened and tabulated bids received for the purchase of two police cars. The bids received are as follows:

Arendale Ford	(2) 1996 Ford	$38,840.00	No Trade In
Philpot	(2) 1997 Ford	$38,988.00	
		-6711.00	
		$32,277.00	
Orange Ford	(2) 1997 Ford	$38,042.00	
		- 5000.00	
		$33,042.00	

After discussion, Kent Havard made a motion to accept the low bid of $32,277.00 from Plilpot Ford with city staff reviewing for compliance with all specifications and R.W. Ingram seconded.

Voting For	Voting Against
Don Hendrick	None
Bill Brown	
R.W. Ingram	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously.

Item 5 Jimmy Cassels opened and read the proposals received from private garbage vendors. Mayor Simms suggested that staff review bids and prepare presentation. Councilman Ingram made motion to table this item until January 1997 meeting so staff can review proposals and make presentation at that time and Don Hendrick seconded.

Voting For	Voting Against

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Don Hendrick	None
Bill Brown	
R.W. Ingram	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously.

Item 6 After discussion by City Manager and the council considering the recommendation of the Planning & Zoning Board for specific use permit for location of a mobile home on 706 Cypress Street for Carolyn Paige for hardship reasons which the Planning & Zoning Board recommended approval with renewal every 6 months, Sam Coleman, Sr. made a motion to approve the specific use permit and Kent Havard seconded.

Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously.

Item 7 City Manager, Vernon Cupit explained the details of Mr. Robert Rast' request for city utilities (water and sewer) to his property which is located outside the city limits across the street on South First from the prison. Mr. Rast addressed council. Would like to get 2 meters and sewer. Said if necessary to annex would consider annexation. Said is 14 acres. Jimmy Cassels addressed concerning criteria for furnishing utilities. Mayor related to council that Mr. Rast lived here all his life and Mr. Rast told council his intent and hate to annex and penalize him for his daughter's to have a mobile home there and later have to come before council for hardship to have mobile home. Don Hendrick asked costs to city for utilities. Bill Brown asked which side road utilities on. R.W. Ingram said looks like be cheaper to be annexed. Sam Coleman, Sr. asked what his option be if not be annexed. R.W. Ingram viewed concern about sewer. City Manager said not be prohibitive since sewer line already furnishing prisons. Mayor reiterated talking about 2 meters and 2 sewer taps. Mr. Jeff Rast pointed out previous owners had city water. Charles Maclin addressed council about concerns of adding residents to prison sewer line. Mr. Rast requested to approve his request to water only.
Kent Havard made motion to accept water only with 2 meters and R.W. Ingram seconded.

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Minutes of a Planning & Zoning Meeting on Thursday, Dec. 5, 1996 at 4:oo P.M. at the Diboll City Hall

Members Present:	Marvin Wright Stacey Cooke Charles Moses
Members Absent:	Jack Beaty Paul Suarez
Also Present:	Carolyn Paige Vernon Cupit Charles Maclin Lanny Parish Betty Capps

The meeting was called to order at 4:27 p.m. by Chairman Wright. An application for a Specific Use Permit from Carolyn Paige for placement of a mobile home at 706 Cypress Street was discussed.

Her request was for a hardship situation because her grandparents are old and she needs to care for them.

A motion was made by Mr. Cooke & second by Mr. Moses to approve the application.

This recommendation will be presented to the City Council.

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Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously.

Item 8 This is the item introduced by Councilman Bill Brown at the previous council meeting pertaining to operating a Snack Bar-Grill at Neches Pines Golf Course Pro Shop. City Manager Vernon Cupit discussed this and councilmen also discussed. Bill Brown said he talked to Jimmy Mettlen. Said he has no problem referring this to Parks Board. Bill Brown made a motion to defer to Parks Board and discuss at January 1997 meeting. Don Hendrick seconded.

Voting For	Voting Against
Don Hendrick	None
Bill Brown	
R.W. Ingram	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously.

Item 9 Mayor Simms asked for discussion concerning approving a No Smoking Ordinance. Jimmy Cassels recommend that table item. Kent Havard made motion to table and Don Hendrick seconded, until next council meeting and approved at that time with changes.

Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously.

Item 10 Mayor Simms asked for discussion pertaining to approving a No Parking Ordinance along Highway 59 in the city limits. Jimmy Cassels

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answered questions. Bill Brown made motion to approve the Ordinance and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously.

Item 11 Mayor Simms called for discussion to consider rewriting and updating the city's Personnel Policy Manual. City Manager said we are working on policy manual and personnel policy. Said we are looking at personnel manual now. Said would like to have representative from companies at January meeting. Mayor like to know procedures also. Consensus was to continue investigating and report at next meeting.

Item 12 City Manager, Vernon Cupit discussed authorizing going out for bids to purchase 20 golf carts. He pointed out that the expense for these is a budgeted item from the Equipment Fund. After discussion by council, Councilman Ingram made a motion to authorize going out for bids and Don Hendrick seconded.

Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously.

Item 13 After presentation by City Manager and discussion by council concerning purchasing a fairway mower for Neches Pines Golf Course Kent Havard made a motion to authorize going out for bids and R.W. Ingram seconded. It was also pointed out that this purchase would be paid for out of the equipment fund as a budgeted item.

Voting For	Voting Against
Don Hendrick	None

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R.W. Ingram
Bill Brown
Sam Coleman, Sr.
Kent Havard

Motion carried unanimously.

Item 14 City Manager Vernon Cupit explained the request from the Fire Department for an additional $3,056.00 in Direct Contributions from the city and to amend the budget for this amount from 10-07-66010 (Direct Contributions). City Manager also pointed out that this is first time Fire Department has gone over budget in this line item and that budget will have to be amended to increase the amount in Direct Contributions. Also said received letter from secretary of fire department. Pointed out that line item had to have council approval. Councilman Ingram asked how many fires outside city limits, Gary Jones said about 58 %. Gary Jones said had increase in fires this year. Councilman Ingram asked what happen if not use all money. City Manager said excess if any stayed in budget. Mayor asked about $300.00 per month to Fire Department from county. Gary Jones said $300.00 goes directly to Fire Department. Gary Mike Smith explained about letter and said date was 12/3/96 instead of 11/3/96. Mayor said fire department never been over and do they realize that council must amend budget before can approve money. Mayor said afraid we are forgetting where we are coming from said concerned about expenses. Said understood that be 2 EMT's on every call. Said when first organized was done without pay. Said embarrassing to see large amount of money paid to volunteers. Said getting into situation need to address. Said should be able to set down and workout problems. Volunteers responded that some calls unnecessary. Said have some problems and are going are going to address them. Said have to direct traffic. Gary Smith said is shocked that one year fire department is over and feels like being crucified. Mayor said fair and equitable way need to be worked out. Volunteers said would work on it. James Leftwich pointed out the amount of equipment must take care of. Fire Department Volunteer said figure been misrepresented. Gaddy's employee said he had had good experience with Diboll EMTS. Bill Brown asked if they have a report. Gary Smith said yes. Bill Brown asked if Temple pays for class time, answer yes. City does not except for tuition and lodging. Gary Smith said they purchase same equipment and volunteers pays back in form of dues. Bill Brown says problem seems to be seeing so many EMTS going on call. Gary said when call comes don't know what caller situation really is. Councilman Ingram agreed that department should work on problems internally. R.W. Ingram made a motion to approve budget line item 10-07-66010 by $3,056.00 and Sam Coleman, Sr. seconded.

Voting For Voting Against

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R.W. Ingram	None
Don Hendrick	
Sam Coleman, Sr.	
Bill Brown	
Kent Havard	

Motion carried unanimously.

Item 15 Mayor Simms and City Manager Vernon Cupit discussed and explained the renewal of the cooperative agreement with the Angelina County and Cities Health District. Kent Havard made a motion to renew the cooperative agreement with the Angelina County and Cities Health District and R.W. Ingram seconded.

Voting For	Voting Against
Don Hendrick	None
Sam Coleman, Sr.	
R.W. Ingram	
Bill Brown	
Kent Havard	

Motion carried unanimously.

Item 16 Mayor Simms at this time asked for comments from the public. Ms. Gertude Blount complained of drainage problems when rains and also has sewer problems. Mayor asked Charles if he has inspected this and Charles said problem was on residents property and found old pipe. City Manager said house is lower than street. Kent Havard asked about possibility of diverting water. Mayor explained where the responsibility lies since problem is on her side. Said we would have city look at problem again. Mayor requested Charles to investigate and report to council next meeting. City Manager said pumps from Well 1 are being replaced and will report more next council meeting with video.

Item 17 At this time, Mayor Simms asked for comments from the council. Councilman Ingram asked about telephone line installed by his office if they were going to dress up construction. Mayor Simms commented about mechanic still working on Rutland Street. Mayor commended citizens for coming to meetings. Mayor asked Mr. Cassels to make comments. City Attorney addressed council concerning executive session and said we can hear from Gary Jones only under a different section. Said we should set a called meeting if he decides to speak in executive session. Gary asked what he did wrong. Jimmy Cassels explained items under which he can meet. Jimmy Cassels said set executive session meeting. Meeting set for

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December 16, 1996 at 5:00 P.M.

At this time, Mayor Simms called the council into executive session to have a private consultation with the city's attorney to hear update on legal matters.

Mayor Simms called the council back into open session following the executive session. There were no votes taken in the executive session and no decisions were made. Minutes of the executive session were taken by Lanny Parish, City Secretary and along with a certified agenda of the meeting are kept in a lock box in the city's vault.

There being no further business Mayor Simms called for a motion to adjourn and R.W. Ingram made the motion and Sam Coleman, Sr. seconded.

Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously and meeting adjourned at 7:29 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY

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AGENDA
CALLED CITY COUNCIL MEETING
MONDAY, DECEMBER 16, 1996
5:00 P.M.
DIBOLL CITY HALL

1. Call to Order

2. Invocation

3. Executive Session

4. Public Forum

5. Council Comments

6. Adjourn

EXECUTIVE SESSIONS:
Under the authority of Texas Meeting Act, Texas Government Code Section 551.00 et seq., the Council, during the course of the meeting covered by this notice, may enter into closed or executive session for any of the following reasons:

551.074 Discussing personnel or to hear complaints against personnel.

1. Hear Fire Chief Gary Jones discuss personnel

POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 10:35 A.M., TUESDAY, DECEMBER 10, 1996

551.075 To confer with employees of the city to receive information or to ask questions.

1. Fire Chief Gary Jones to address city council.

THIS ITEM ADDED TO EXECUTIVE SESSION AND POSTED ON BULLETIN BOARD AT DIBOLL CITY HALL, 9:25 A.M., WEDNESDAY, DECEMBER 11, 1996.

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Minutes of a called city council meeting, Monday, December 16, 1996, 5:00 P.M., at Diboll City Hall.

Present		Absent
James P. Simms	Mayor	None
R.W. Ingram	Councilman	
Bill Brown	Councilman	
Kent Havard	Councilman	
Don Hendrick	Councilman	
Sam Coleman, Sr.	Councilman	

Also Present

Vernon Cupit	City Manager
Lanny Parish	City Secretary
Jimmy Cassels	City Attorney
Sandra Ray	
Danny Ray	Chief of Police
Richard Thompson	Police Officer
Marty Roberts	Fire Department
Mike Smith	Fire Department
Gary Jones	Fire Chief
James Leftwich	Fire Department
Sammy Tucker	Fire Department

Item 1 & 2 Mayor Simms called the meeting to order and asked Vernon to give the invocation.

Item 3 At this time Mayor Simms called the council into executive session under Section 551.074, and Section 551.075 of the Texas Open Meeting Act, Texas Government Code to discuss personnel or to hear complaints and to confer with employees of the city to receive information or to ask questions. (1) Hear Fire Chief Gary Jones discuss and (2) Fire Chief Gary Jones to address city council.

Mayor Simms called the council back into open session and said heard Fire Chief Gary Jones. No decisions were made and no votes were taken in the executive session. Minutes were taken by Lanny Parish, City Secretary and are kept in a lock box in the city's vault.

Item 4 Mayor Simms opened the floor to the public for comments. No comments.

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Item 5 Mayor Simms called for council comments.
Kent Havard said Dan Eddins at East Texas Printing has had break-ins and asked about getting street light because of dark area. Mayor asked if that would come under private light. Danny Ray commented that there have been break-ins at Joe Moore's also.
Jimmy Cassels said Memorial Health System proposal you have that Vernon will vote on this and council needs to let him know your position. Mr. Cassels explained some of the details of the proposal contract. Said Vernon can enlighten you on contract.

There being for further business, Mayor Simms called for a motion to adjourn and Councilman Ingram made the motion and Sam Coleman, Sr, seconded.

Voting For	Voting Against
Don Hendrick	None
R.W. Ingram	
Bill Brown	
Sam Coleman, Sr.	
Kent Havard	

Motion carried unanimously and meeting adjourned at 6:32 P.M.

James P. Simms, MAYOR

ATTEST:

Lanny Parish, CITY SECRETARY