

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF JANUARY, 1984, AT 7:30 P.M.

On the 3rd day of January, 1984, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Gil Fears	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. Charles McIlveene, Pastor of First Baptist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of December 20, 1983, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Public Hearing - Annexation and Permanent Zoning - R.H. Duncan - Brookhollow, Section #10 - RL - First Reading - Date Established

Mayor Garrison stated that a request for Annexation and Permanent Zoning had been received from R.H. Duncan covering property in Brookhollow, Section 10, to be zoned Residential Large. Mayor Garrison officially opened public hearing. Due to lack of discussion Mayor Garrison officially closed public hearing.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that annexation and permanent zoning request be heard on first reading at next meeting of City Commission. A unanimous affirmative vote was recorded.

5. Ordinance - Approved - Second Reading - Rate Adjustment - Entex

Mayor Garrison stated that request for rate adjustment by Entex had been considered on first reading at last meeting of City Commission and that an ordinance had been prepared by the City Attorney excluding the automatic pass-through of increased operating cost.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that ordinance be approved on second and final reading as amended. A unanimous affirmative vote was recorded.

6. Private Street Ordinance - Approved - First Reading - Crown Colony Subdivision

Mayor Garrison stated that the request for private street from Sabine Investment for inclusion in Crown Colony Subdivision had been considered on first reading at last meeting of this Commission. Mayor Garrison stated that a new ordinance had been prepared by City Attorney Bob Flournoy incorporating the City Commission's input from the last meeting. Mayor Garrison recognized City Attorney Flournoy who provided additional information regarding the Private Street Ordinance.

City Attorney Flournoy stated that he had made additional changes in the Private Street Ordinance after copies were distributed to the City Commission. City Attorney Flournoy stated that in paragraph

six (6) he had added the words "other local entities or persons acceptable to the City." City Attorney Flournoy stated that this wording would be necessary to provide for a street with only a small number of homes making a Homeowners' Association unfeasible. City Attorney Flournoy further stated that he had combined paragraph seven (7) and ten (10) from the previous ordinance to consolidate maintenance and traffic control in paragraph seven (7). City Attorney Flournoy stated that in paragraph nine (9) he had omitted the words "knock-down gate" and provided a description indicating that the gate should be, "of a type that would open without a necessity to get out of the automobile." City Attorney Flournoy stated that in paragraph ten (10) he had added the provision that if at any time the City Commission felt the public could better be served by a public street, the City Commission could require that street be dedicated to the public use. City Attorney Flournoy stated that in paragraph 11 he had provided that the City could declare the street public without the necessity of a deed by resolution that would be filed in the deed records. City Attorney Flournoy stated that in paragraph 12 the two-thirds vote of the City Commission to require dedication of the street would require at least five (5) affirmative votes. City Attorney Flournoy further stated that the Planning and Zoning Commission could deny a public street application and the applicants would then have the right to apply directly to the City Commission.

Mayor Garrison stated that the provision for a gate that would not necessitate the leaving of the automobile was for the benefit of the Fire and Police Department to obtain entrance into the private street. Commissioner Percy Simond stated that if access to the private street could be obtained by simply bumping the gate, why should the gate be installed. Mayor Garrison stated that if the gate is visible it would cause the public to think before entering the private street.

Commissioner Pat Foley stated that he had a problem with paragraph six(6) requiring the City to enforce all the obligations of the Homeowners' Association. Commissioner Foley further stated that paragraph seven (7) provides that the Homeowners' Association could merely stop maintenance on the street and the City would automatically declare it public, but the Homeowners' Association should be required to bring the street up to City standards before the street is accepted.

Commissioner Foley stated that he did not understand how the City could legally take over a private street. City Attorney Flournoy stated that the take over could be effected by contract and the Homeowners' Association could be required by the City to maintain the street or dedicate same.

In response to question by Commissioner Foley, City Attorney Flournoy stated that the Homeowners' Association provides that a lien could be established against a member's property if dues are not paid to the association.

Commissioner Gil Fears stated that the Private Street Ordinance should be a general ordinance, but the City Commission had been requesting advice from the Crown Colony developers and he would like to have an overall picture of the private street to be constructed in Crown Colony. City Attorney Flournoy stated that the street would have 41 lots, would be a loop street with one (1) entrance and exit, and would be approximately 800 to 900 feet in length.

Commissioner Richard Thompson stated that the ordinance was written for new private streets and appropriate wording should be included to provide that private streets would be limited to newly constructed streets. City Attorney Flournoy stated that existing streets could be declared private if all the criteria were met and approval was granted by Planning and Zoning Commission and City Commission.

Mayor Garrison suggested that before second reading of subject ordinance perhaps adequate language could be included to limit private streets to new construction.

Commissioner Gil Fears stated at a last meeting of City Commission he had indicated that he was against private streets and his opinion had not changed, but he would vote for this ordinance.

Motion was made by Commissioner Gil Fears and seconded by Commissioner

Pat Foley that Private Street Ordinance be approved on first reading. A unanimous affirmative vote was recorded.

7. Sewer Plant - Maury E. Stiver - Proposal Approved - Plans To Be Prepared

Mayor Garrison stated that the City Commission had been considering the possibility of rehabilitation of the Sewer Collection Lines using City Staff and equipment, but a letter had been received from Maury Stiver, Sewer Plant Operating Consultant which the City had employed for a six (6) month period, indicating that rehabilitation would not produce desired results. Mayor Garrison further stated that Mr. Stiver was recommending other modifications which are more economical and will produce better results.

City Manager Westerholm stated that Mr. Stiver had been employed by the City to review operating procedures at the Sewer Plant and he had indicated that the infiltration and inflow at the plant was not as critical as the City Commission had been lead to believe.

Mr. Stiver stated that the Sewer Plant has considerable capabilities which have been limited by the inability to dispose of excess solids caused by lack of equipment or undersized equipment. Mr. Stiver stated that as a result solids build up at the plant, the operators are not able to maintain a certain level of operation. Mr. Stiver stated that when inflow is increased from storms, a large amount of solids are washed out of the plant. Mr. Stiver stated that the inflow of the Lufkin Plant is within normal range and a reduction of infiltration and inflow would not help a great deal to bring the plant into compliance. Mr. Stiver stated that a study conducted by the Government Accounting Office has indicated that money spent to reduce inflow problems is, in most instances, not reliable, because most of the inflow is created on private property from home sewer taps. Mr. Stiver stated that the vacuum filter used at the Lufkin Plant is not an efficient means for dewatering aerobic digested sludge. Mr. Stiver stated that he was recommending the installation of a 1.5 meter belt filter press for sludge dewatering adjacent to the existing vacuum filter. Mr. Stiver further stated that the belt filter press would be the primary device for dewatering digested sludges and the vacuum filter would serve as a standby unit for emergency back-up service.

In answer to question by Mayor Garrison, Mr. Stiver stated that the total cost would be approximately \$300,000.00 including the belt filter press and that if the City of Lufkin elected to make changes as stated in his letter the plant would meet State standards on a monthly basis. Mr. Stiver further stated that the plant would still be stressed during rainy periods but because of the system used for judging compliance on an overall basis, the Lufkin facility would be in compliance for the month.

Mayor Garrison stated that the proposal by Mr. Stiver was more logical than rebuilding the entire system, and he would be in favor of spending this amount of money to bring the plant into compliance. Mayor Garrison further stated that he was of the opinion that there was no sewer system in the State of Texas free of inflow during heavy rains.

Mayor Garrison requested that Bobby Mott, Sewer Plant Supervisor, provide the City Commission with his thoughts concerning the proposal by Mr. Stiver.

Mr. Mott stated that he would like to consider the proposals made by Mr. Stiver in the order that they are presented in the letter. Mr. Mott provided the following comments:

- a. Sludge dewatering capabilities - Agree that the belt filter press would be more effective than the vacuum filter and the present vacuum filter could be used for emergency back-up service. If belt filter press proves to be effective, City of Lufkin might consider additional unit in the future.
- b. Operation of Heat Treatment System - Mr. Stiver recommended that heat treatment system continue to be operated as an integral part of the solids processing system, but would prefer not to depend on this method for handling solids. A

new set of heat exchangers was purchased approximately 2½ years previous and same will have to be replaced in approximately 2½ years at a cost of \$180,000.00.

- c. Provide for Excess Primary Sludges - Mr. Stiver suggested additional piping and valves be installed to allow routing of excess sludge to aeration basins for immediate processing. This would allow a better system for handling primary sludges. At present, excess sludge is taken to the landfill under permission of the State which could be withdrawn at any time, and Mr. Stiver's proposal would provide a place to handle the excess primary sludge.
- d. Return of Activated Sludge To Head of Plant - Mr. Stiver recommended installation of additional piping and valves to allow feeding a part of the return activated sludge to the main lift station wet-well to take advantage of the large aerated grit chamber and pre-aeration unit for treatment prior to flow entering the primary clarifiers. This would increase the time the sludge is exposed to the biological processes and sludge is now limited to a faster treatment process.
- e. Chlorine Contact Chambers Sludge Return - Mr. Stiver considers the recycling of treated water and settled sludge to the front of the plant as an unnecessary stress on the facility operation. This would save on electric power if the volume of water returning to the head of the plant was reduced and the sludge would be easier to treat.
- f. Inflow/Infiltration - Mr. Stiver stated that he had found no evidence to support the concern that infiltration or inflow are the cause of the Sewer Plant's lack of compliance with its discharge limitations.
- g. Inability to Remove Solids - I do not have the knowledge to address this part of Mr. Stiver's letter and could not say where the cost effectiveness would start or end.

In response to question by Commissioner E.C. Wareing, Mr. Stiver stated that most of the engineering plans and drawings could be prepared by the City Staff or local contractors. Commissioner Wareing stated that it is very important that a decision be made regarding what would be included in the plans to insure proper construction of the facilities.

In response to question by Commissioner Richard Thompson, Bobby Mott stated that he understood that the City Commission had approved at a previous meeting, 24 hour operation of the Sewer Plant with additional help and equipment needed to provide this type of operation. City Manager Westerholm stated that the City Commission had authorized the City Staff at last meeting to obtain bids for rehabilitation of the collection system and a two and one-half ton truck for use at the Sewer Plant. City Manager Westerholm further stated that the piping is estimated to cost \$28,000.00, labor would cost \$26,000.00, and the truck would cost \$17,500.00.

Mr. Stiver stated that he had spent the day at the Sewer Plant and had found an additional bottleneck with the secondary clarifiers. Mr. Stiver stated that the design of the present clarifiers had been discontinued, and the equipment was not able to remove solids from a part of the plant because of a defect. Mr. Stiver stated that he would have to look into the problem further, but he believed a practical solution was available.

Commissioner Percy Simond stated that he was concerned about spending the \$300,000.00 and the plant still being out of compliance. Mayor Garrison stated that he was afraid the City of Lufkin would spend the \$7,000,000.00 and still have a plant out of compliance. Mayor Garrison further stated that an additional belt filter press could be installed in the future.

Bobby Mott stated that the Zimpro Process could not be phased out but he was concerned about the possibility of landfill access on a 24 hour basis. Mr. Mott further stated that if the plant were brought into compliance the State might limit the City's right to deposit sludge at the landfill.

In answer to question by Commissioner Pat Foley, Mr. Stiver stated that at the present time the measures he recommended were evident and should not change while there might be additional items, but he did not anticipate a large number. Mr. Stiver further stated that he would be willing to provide a letter to the City Commission stating that the changes that he proposed should bring the City of Lufkin Sewer Plant into compliance with the State of Texas. In answer to question by Mayor Garrison, Mr. Stiver stated that drawings could be completed within 30 to 60 days for review by the State Health Department.

Commissioner Percy Simond stated that he was concerned that the City of Lufkin had a mandate from the Environmental Protection Agency to do certain things and if same were not done, permission to issue building permits could be revoked.

Mr. Stiver stated that he had spoken to Bill Reeves of the Environmental Protection Agency who requested permission to quote several of Mr. Stiver's statements in a professional report. Mr. Stiver stated that Mr. Reeves indicated he felt the City of Lufkin plant had what was needed but the solids handling was a problem. Mr. Stiver stated that if the City Commission chose to proceed with the items he had proposed, he would talk with the people in Austin and felt they would agree with the proposals.

Commissioner E.C. Wareing stated that the City had hired Mr. Stiver to perform certain functions, but a schedule would be needed from him indicating the fees for his supervision of drawing and piping changes and appearances before the State Boards.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that Mr. Stiver be authorized to proceed with plans, that plans be put into concrete engineering drawings, and that Mr. Stiver be authorized to talk to the regulatory agencies to receive their approval for consideration at next meeting of City Commission. A unanimous affirmative vote was recorded.

8. Zone Change - Approved - First Reading - F.M. Hughes - LB to C

Mayor Garrison stated that a zone change request by F.M. Hughes covering property located at 1000-1002-1004 S. Medford Drive between Ford Chapel Road and Renfro Drive from Local Business to Commercial had been recommended to City Commission for approval by Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that zone change ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

9. Bid - Approved - Protective Clothing - Fire Department - Texas Firefighters Equipment Co.

Mayor Garrison stated that bids had been received for the purchase of protective clothing for use in the Fire Department and requested that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that bids had been received for purchase of protective clothing and that the new equipment was needed to comply with State law. City Manager Westerholm stated that the staff would like to recommend that the low bid of \$13,075.60 from Texas Firefighters Equipment Co. be approved as the lowest and best bid. City Manager Westerholm stated that \$15,280.00 had been budgeted and that the old equipment would be offered to volunteer fire departments.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that bid of Texas Firefighters Equipment Co. in the amount of \$13,075.60 be approved. A unanimous affirmative vote was recorded.

10. Annexation - Southwest Color - Discussed

Mayor Garrison stated that at last meeting of City Commission it was requested that annexation of Southwest Color property be placed on agenda for consideration. Mayor Garrison stated that the City Commission now had to decide whether a public hearing would be held to consider this annexation.

Commissioner Richard Thompson stated that when the budget was being discussed and the City Commission was searching for an increase in revenue, he had suggested that the City Commission look to areas receiving City services or areas that had asked for City services. Commissioner Thompson stated that Southwest Color is one of the major industries that was mentioned at that time, and he had requested that the item be placed on the agenda for consideration. Commissioner Thompson stated that Southwest Color does receive City water and recently had requested a larger water tap. Commissioner Thompson stated that he simply wanted to ascertain if it was feasible to proceed with annexation of this property.

Bill Stroud, President of Southwest Color, stated that the only service received by his company was City water for limited use and the majority of water used by the company was received from St. Regis who also handles the sewer needs of Southwest Color at great expense. Mr. Stroud stated that his company did not really need City services and did not desire to be in the City Limits. Mr. Stroud further stated that he thought it strange that Southwest Color had been singled out for annexation. Commissioner Richard Thompson stated that Southwest Color had been considered because of the large amount of annexations in the area and he was not aware that the City could not handle the needs of Southwest Color. Mr. Stroud stated that the sewer needs of Southwest Color are very extensive and that his company only used City water for drinking and showers for which they pay one and one-half times the normal rate.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that Southwest Color did receive fire protection for the City of Lufkin. Mr. Stroud stated that the Fire Department had responded on two or three occasions, but each time the fire had been extinguished before they arrived and Southwest Color had 207 employees living in the City of Lufkin.

Mayor Garrison stated that he was not inclined to bring an industry into the City Limits simply to provide more revenue to the City. Mayor Garrison stated that a concerted effort had been made to encourage Southwest Color to locate in the Lufkin area and that some of the property on which they are located had been given to them. Mayor Garrison further stated that Southwest Color makes substantial contributions to the City and as a matter of principle, the City should not reach out and annex property against the owner's will. Mayor Garrison further stated that he would like to do everything possible to make industries happy because they provide a great service to the City, and he did not want to discourage industry from locating in the Lufkin area.

Commissioner Pat Foley stated that because the City would not be able to offer the services required by Southwest Color he felt they should not be annexed into the City. Commissioner Foley further stated that he would like to receive information regarding industry in the Houston area and the type of services they contract to receive from the City of Houston.

Commissioner Percy Simond stated that he agreed with Mayor Garrison and Commissioner Foley in regard to annexation, but he did not believe that any business should be allowed to dictate policy to the City of Lufkin.

Commissioner Richard Thompson stated that the item could only be discussed if it appeared on the agenda, and he simply wanted to get the feelings of the Commission. Commissioner Thompson stated that he was aware that Southwest Color used City services and that he did not know why the City of Lufkin could not accommodate all the needs of the Company.

It was a consensus of opinion that the City Commission should not take any action regarding this item.

11. Angelina County Appraisal District - Offer of Contract - Refused - Collection of 1984 Taxes

Mayor Garrison stated that a letter had been received from Guy Emanis, Chief Appraiser for the Angelina County Appraisal District, offering to collect 1984 taxes for the City of Lufkin if the City was interested in accepting.

City Manager Westerholm stated that the Angelina County Appraisal District had offered to collect taxes at an initial cost of 2% of levy. City Manager Westerholm stated that at the present time the total operating budget for the City Tax Office is \$195,000.00 of which \$95,000.00 covers the contract with the Angelina County Appraisal District for doing the tax appraisals.

Mayor Garrison stated that he felt eventually it would be a law that the appraisal districts would collect all taxes to allow citizens to pay their bills at one location and that many taxing agencies have already elected to adopt this plan.

Commissioner Pat Foley stated that it would be difficult for the Appraisal District to meet the collection percentage of the City which is now established at 98%. Commissioner E.C. Wareing stated that he would be interested to see what their percentage of collections are for the City of Hudson and the Central Independent School District. Commissioner Percy Simond stated that a change in the handling of City taxes would not benefit the City and he was concerned about the employees in the City Tax Office.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that the City continue to collect City taxes and that the City Tax Office be maintained. A unanimous affirmative vote was recorded.

12. Texas Department of Highways and Public Transportation Agreement - Approved - Right-of-Way Procurement - Loop 287 and Highway 59 South

Mayor Garrison stated that an agreement had been received from the Texas Department of Highways and Public Transportation representing the City's 10% share of the estimated cost for acquiring the necessary right-of-way for the traffic interchange improvements at Loop 287 and Highway 59 South.

City Manager Westerholm stated that the money was needed as soon as possible to avoid delay in the project and that the \$60,000.00 would be taken from the Street Department budget and replaced at a later time when finances have improved. City Manager Westerholm further stated that the Highway Department had been authorized to begin purchase of the right-of-way when the money becomes available. Commissioner Don Boyd stated that the City of Lufkin had been working toward development of this interchange for a number of years and money should be made available to the Highway Department.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that money be made available to purchase the right-of-way. A unanimous affirmative vote was recorded.

13. Executive Session - Real Estate Discussed

Mayor Garrison stated that it was necessary for the City Commission to adjourn into an Executive Session to discuss real estate matters. Mayor Garrison recessed formal open meeting of the City Commission at 9:08 p.m. At 9:25 p.m. Mayor Garrison reconvened regular meeting of the City Commission and made announcement to those present regarding results of the Executive Session. Mayor Garrison stated that interest had been expressed in the purchase of City owned property and this had been discussed by the City Commission with no conclusions being reached. Mayor Garrison stated that City Manager Westerholm will obtain more information to enable the City Commission to make a decision at a later date.

14. Consideration for Large Water Bills Due To Weather, Discussed

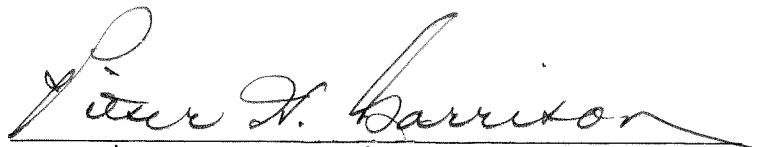
Commissioner Gil Fears stated that the citizens of Lufkin had been adversely affected by the recent cold weather in the City and that methods of extending the pay out periods on water bills should be considered to help people who had experienced weather related problems. Commissioner Fears stated that he was suggesting that if the homeowner requested consideration concerning the increased bill caused by broken water pipes the City should make every effort to allow an extension of the time period for payoff of the large bills.

Commissioner E.C. Wareing stated that the idea had merit but the implementation would be a problem. Commissioner Wareing further stated it would be impossible to go through 10,000 water bills, but


publicity could make people aware that if they have this type of a problem, the customer could request consideration which would be given by the City of Lufkin.

City Manager Westerholm stated that it might be possible to consider the previous bill and allow additional water usage over this amount to be paid at a lower rate.

15. There being no further business for consideration, meeting adjourned at 9:32 p.m.


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary