

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17TH DAY OF JANUARY, 1984, AT 5:00 P.M.

On the 17th 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
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
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present and,

Don Boyd	Commissioner, Ward No. 2
----------	--------------------------

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. L. D. Bell, Pastor of New Zion Baptist Church, Lufkin.
2. Mayor welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of January 3, 1984, were approved on a motion by Commissioner Percy Simond and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Annexation and Permanent Zoning Ordinance - Approved - First Reading - R.H. Duncan - Brookhollow, Section 10 - RL

Mayor Garrison stated that annexation and permanent zoning request had been considered at Public Hearing at last meeting of this Commission for R.H. Duncan covering property in Brookhollow, Section 10, to be zoned Residential Large. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that annexation ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that zoning ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

5. Zone Change - Approved - Second Reading - F. M. Hughes - LB to C

Mayor Garrison stated that 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 approved on first reading at last meeting of this Commission. There was no opposition present.

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

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

Mayor Garrison stated that Private Street Ordinance had been approved on first reading at last meeting of this Commission and that ordinance was now ready for second reading after revisions by City Attorney.

Commissioner Gil Fears stated that he would hope that the Homeowners' Association in Crown Colony and Sabine Investments would continue to monitor plans for the private street because the eyes of Lufkin will be

watching the development of the first private street. Commissioner Gil Fears stated that he would like to provide the option for any street in the City of Lufkin to be considered for approval as a private street.

Mayor Garrison stated that he had read the private street ordinance for the City of Dallas which provided that lighting should be according to City Ordinance, that streets be cleaned as well as maintained, that one entrance would remain unobstructed, that the width and height of the entrance structure was designated that traffic devices on the street have to be approved by the City, that no private development would be allowed to interrupt the street, and that the numbering system would be approved by the City.

City Attorney Bob Flournoy stated that the Thoroughfare Development Policy would allow the Planning and Zoning Commission to make a decision on the private street application, but street lighting is not mentioned in the ordinance. City Attorney Flournoy stated that in approving the plan and specifications for water and sewer systems, street lighting could be added for consideration and that traffic control devices could be approved by the Traffic Engineer.

Mayor Garrison stated that he was concerned about unforeseen future developments regarding the private street ordinance but generally speaking, the ordinance covers most of the items in the Dallas ordinance.

In response to question by Commissioner Percy Simond, City Attorney Flournoy stated that if the application for private streets was denied by the Planning and Zoning Commission and appealed to the City Commission four (4) affirmative votes would be needed for approval.

Commissioner Gil Fears stated that the words "in new subdivisions" in Section 2 - Subsection 3, of the Ordinance would restrict private streets to only new construction and the entire City should have the option of private streets. Mayor Garrison stated that the language might be changed to state that private streets may be permitted in any subdivision except when...

Commissioner Richard Thompson stated that he had suggested that private streets be limited to new construction to reduce the number of requests. Commissioner Thompson further stated that he could foresee problems with existing subdivisions in regard to inadequate streets and utilities.

Mayor Garrison stated that he did not have a problem with private streets in existing subdivisions, but he did not like the idea that the City of Lufkin would have to force the Homeowners' Association to dedicate the private street. Mayor Garrison further stated that the Dallas ordinance provides that if the Homeowners' Association fails to perform maintenance on the street, the street automatically becomes public without any action. City Attorney Flournoy stated that the Dallas ordinance provided that the maintenance could be performed by the City and if the price of the maintenance was not paid within 180 days the street would be declared public. City Attorney Flournoy further stated that the private street ordinance for the City of Lufkin provided that the City would only have to approve a resolution dedicating the private street.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that the Private Street Ordinance be approved as presented on second and final reading with the revision that private streets could be permitted in any subdivision. The following vote was recorded: Aye: Mayor Garrison, Commissioners Fears, Thompson, Simond. Nay: Commissioner Foley. Mayor Garrison declared motion approved by a vote of four (4) to one (1) with Commissioner E.C. Wareing abstaining from vote because of personal interest in the subdivision as stated affidavit filed with the City Secretary.

7. Maury Stiver - Authorized To Proceed - Sewer Plant Improvements

Mayor Garrison stated that he was scheduled to meet with the Attorney General of the State of Texas today in regard to lawsuit by the State against the City of Lufkin Sewer Plant but because of City Attorney Flournoy being involved in a lawsuit at the County Courthouse, the meeting was rescheduled for next Friday, January 20, 1984. Mayor

Garrison further stated that a plan submitted by Maury Stiver to bring the City of Lufkin Sewer Plant into compliance would be discussed with the Attorney General in regard to the proposed lawsuit. Mayor Garrison further stated that Mr. Stiver had called the Water Quality Board in regard to his proposed plan and was informed that they would be unable to discuss the plan the City was proposing until the Attorney General had reached a decision about whether to file the lawsuit. Mayor Garrison requested that Mr. Stiver present his comments regarding the plan for bringing the Sewer Plant into compliance.

Mr. Stiver stated that the State of Texas and the Environmental Protection Agency had verbally stated that they are in agreement with the proposed plan, but official action or review could not take place until the matter of the lawsuit was settled. Mr. Stiver stated that steps could be taken to implement the plan after the meeting with the Attorney General and that the revisions could take from 30 to 60 days.

In answer to question by Commissioner E.C. Wareing, Mr. Stiver stated that the range of his engineering fees were from 8 to 15% of the total construction cost or approximately \$25,000.00 to \$50,000.00 on the \$300,000.00 project. Mr. Stiver further stated that the actual percent used would depend on the level of work that goes into the engineering plans. Mr. Stiver further stated that construction costs are less if the engineering plans are more exact and engineering fees are and insignificant part of the project. Mr. Stiver further stated that the \$300,000.00 price included the cost of engineering.

Commissioner Richard Thompson stated that he understood the belt press would not fit into the design of the new plant, and he was concerned about the City of Lufkin doing anything that would interfere with obtaining the grant for construction of the new plant.

In response to question by Commissioner Richard Thompson regarding renting of a portable belt press, Mr. Stiver stated that the City of Lufkin could pay up to \$1,000.00 a day for rental with the manufacturer owning the unit when the City of Lufkin no longer needed it. Commissioner Wareing stated that he understood the belt press would be in operation for 24 hours a day 7 days a week and that Mr. Stiver had previously stated the equipment could be retained as a standby unit. Commissioner Wareing stated that the solids from the Zimpro Process could be spread on the land or even used as a fertilizer and he was concerned as to whether the belt press had any provision to kill virus in the sludge which would allow this use. Mr. Stiver stated that, in his opinion, the sludge could be used in the same way with the provision that tests are made for heavy metals. Mr. Stiver further stated that 200 acres would be the minimum required for sludge deposit from a plant the size of Lufkin. Mr. Stiver stated that the belt press could be installed in the building after some modifications and the existing truck loading facility could be utilized. Mr. Stiver further stated that he saw no reason that the belt press could not be incorporated into the final design of the new plant.

In answer to question by Mayor Garrison, Mr. Stiver stated that the modifications to the present sewer plant should render it usable until the population reached 35,000. Mayor Garrison stated that it would be three (3) years before the new plant would be operational and that the money spent on modifications to the present plant would bring the City of Lufkin into compliance for that time period.

In response to question by Commissioner Percy Simond, Mr. Stiver stated that in 1978 or 1979, he had worked with the City of Lufkin while employed by a Houston firm which performed a study of the industrial discharges in the Lufkin area. Mr. Stiver stated that at a later time he did a study of the heat treatment system and the work that he is performing for the City at the present time. Commissioner Percy Simond stated that the City of Lufkin was losing sight of the fact that any City Government will have big expenses and that \$200,000.00 or \$300,000.00 is nothing for a City to expend. Commissioner Simond further stated that the City of Lufkin had been debating the cost for a number of years which allowed the problem with the Sewer Plant to progress to this stage. Commissioner Simond stated that if Mr. Stiver has the qualifications that the City of Lufkin believes he does, he should have started on the job yesterday.

Mayor Garrison stated that more than consideration of the money the City of Lufkin has to satisfy the Water Quality Board with the effluent that comes from the plant and that he was willing to follow Mr. Stiver's judgement to see if the plant could be brought into compliance.

Commissioner Pat Foley stated that the City of Lufkin had been attempting to find a solution to the problem rather than debating the money involved.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Mr. Stiver be engaged to proceed with renovation plans at the Sewer Plant as outlined subject to approval of the Quality Board and that contract documents be executed. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that Griffith Engineers had developed their engineering on the new Sewer Plant as much as the City Commission had allowed.

Commissioner Richard Thompson stated that when the Water Quality Board is presented with the plans for renovations they should be questioned regarding how the renovations would effect the design of the new plant. Mr. Stiver stated that the City Commission might want to take a look at the renovations and the proposed engineering plans for the new plant within the next six (6) months. Mayor Garrison stated that unless a grant is received from the government the plans for the new Sewer Plant would not be implemented, but the City of Lufkin must get the plant in compliance now.

City Manager Westerholm stated that the City of Lufkin was in line for approval on the grant from the Texas Department of Water Resources.

8a. Bid - Approved - Chain and Attachments - Sewer Plant - IPS

Mayor Garrison stated that advertisement had been made for bids to replace chain and attachments for grit removal conveyor at the Sewer Treatment Plant and asked that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that the chain and replacements were to be added to the main bar screen at the Sewer Plant that is responsible for pulling out the solid items that cannot go through the pumps. City Manager Westerholm stated that two (2) bids were received and the staff would like to recommend the low bid of IPS of Canton, Ohio, in the amount of \$6,487.12.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that bid of IPS of Canton, Ohio, be approved in the amount of \$6,487.12. A unanimous affirmative vote was recorded.

8b. Bid - Approved - Piping and Pump Equipment - Sewer Plant - East Texas Engineers and Construction

Mayor Garrison stated that advertisements had been made for bids for the purchase of additional pump and piping at the Sewer Treatment Plant and requested that City Manager Westerholm provide the staff recommendations.

City Manager Westerholm stated that the construction of the additional pump and piping at the Sewer Plant was necessary to allow the dissolved air flotation thickener and vacuum filter to operate simultaneously. City Manager Westerholm stated that two (2) bids had been received with the low bid received from East Texas Engineering and Construction in the amount of \$23,200.00 and that the City staff would like to recommend this bid be approved.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Richard Thompson that bid of East Texas Engineering and Construction in the amount of \$23,200.00 be approved as presented. A unanimous affirmative vote was recorded.

In answer to question by Commissioner Richard Thompson, City Manager Westerholm stated that the City staff would oversee the construction and that the plans were drawn by Bobby Mott, Supervisor of the Sewer Treatment Plant.

In answer to question by Commissioner Pat Foley, City Manager Westerholm stated that an operating revision could be made to the present Sewer Treatment Plant without prior approval and that the EPA had recommended this renovation. Bobby Mott stated that this would enhance the chances of the grant being approved by the State because it had been suggested that the vacuum filter operation time be extended.

Commissioner Percy Simond stated that Griffith Engineers had been paid a large sum of money by the City of Lufkin and he was interested in their participation in the plant renovation.

Commissioner E.C. Wareing stated that the original contract with Griffith Engineers was to do specific design work, to address particular problems designated by the Water Quality Board and the EPA, and to have the plans available to meet the deadline for submitting a grant request. Jimmy Griffith of Griffith Engineers, stated that his firm was to complete work for a 20 year design plant and the work being discussed here would be a modification to the existing sewer treatment system.

City Manager Westerholm stated that the City of Lufkin was informed that if plans for a new Sewer Plant were submitted to EPA by June 30th, funds for a grant might be possible which would be appropriated on October 1st. City Manager Westerholm further stated that instead the funds were dispersed earlier on July 12th and the City of Lufkin was not considered for funding. City Manager Westerholm stated that the City was threatened with a lawsuit because of noncompliance and after a tour of our facilities, the Environmental Protection Agency suggested that the City take interim measures to allow the air flotation thickener and the vacuum filter to operate simultaneously. City Manager Westerholm further stated that Mr. Stiver had inspected the present Sewer Treatment Plant and proposed the plan to bring the plant into compliance for \$300,000.00.

Vote was taken on previous motion by Commissioner Percy Simond and second by Commissioner Richard Thompson to approve the low bid for East Texas Engineering and Construction and a unanimous affirmative vote was recorded.

9. Water Well No. 5 - Manager Authorized To Let Bids - Replace Pump Motor And Switch

Mayor Garrison stated that Water Well No. 5 is out of operation and needs to be repaired and requested that City Manager Westerholm provide the Council with information in this regard.

City Manager Westerholm stated that the motor in Water Well No. 5 was underground and needed to be pulled for installation of a new motor. City Manager Westerholm further stated that authorization of the City Commission to advertise for bids was being requested and that the City staff would like to convert the well from a submerged pump to an above ground installation. City Manager Westerholm further stated that revenue sharing funds could be available for this project because the revenue sharing budget will exceed previous estimate by \$42,000.00.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Gil Fears that City Manager be authorized to proceed with advertisements for bid to render Water Well No. 5 operational. A unanimous affirmative vote was recorded.

10. Burning Leaves in City Limits - Prohibited - House Numbers, Discussed - Lawsuits, Discussed

In response to question by Commissioner Percy Simond, Mayor Garrison stated that there is a State law that citizens are not permitted to burn leaves if the City in which they reside provides leaf pick-up and citizens are subject to complaints made by State authorities.

In response to question by Commissioner Percy Simond, Ron Wesch, Public Works Director stated that plans are proceeding to have street signs bearing the number of the block in which they are located and that an ordinance would be needed to require homeowners to have an address on their home. Mayor Garrison requested that City Attorney Bob Flournoy have a proposed ordinance for house numbers by next meeting of this Commission.

City Attorney Bob Flournoy stated that Judge Justice had ruled in favor of the City of Lufkin in a very old case entitled "W.A. Shepherd". City Attorney Flournoy stated that two other previous employees had requested

to be added to the suit by W.A. Shepherd to have it classified as a Class Action Suit. City Attorney Flournoy stated that Judge Justice had ruled that there was no commonality between the plaintiffs for a Class Action Suit. City Attorney Flournoy further stated that the jury is still out on the Brian Maxey suit being tried in District Court and the judge had ordered the jury back Wednesday morning at 8:00 a.m.

- 11. There being no further business for consideration, meeting adjourned at 6:20 p.m.

Pitser H. Garrison
Pitser H. Garrison, Mayor



ATTEST:

Ann Griffin
Ann Griffin, City Secretary