

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
4TH DAY OF OCTOBER, 1994 AT 5:00 P. M.**

On the 4th day of October, 1994 the City Council of the City of Lufkin, Texas, convened in a regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Percy Simond	Councilman, Ward No. 1
Don Boyd	Mayor pro tem
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. David Evans, Minister, First Christian Church.
2. Mayor Bronaugh welcomed visitors present.

A video of Street Department activities was viewed by Council.

3. **APPROVAL OF MINUTES**

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that minutes of Regular Meeting of September 20, 1994 be approved as presented. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF CERTIFICATE OF CONGRATULATIONS - JOSH WILLIAMS - SOLID WASTE DEPARTMENT**

Mayor Bronaugh presented a Certificate of Congratulations to Josh Williams in recognition of his competition and excellent representation of the City of Lufkin, including a second place finish at the annual S.W.A.N.A., Texas Lone Star Chapter Truck Drivers' Landfill Equipment Operators and Mechanics Road-E-O in Plano, Texas on September 17-18, 1994.

5. **ORDINANCE - APPROVED - SECOND READING - REINVESTMENT ZONE - TAX ABATEMENT - R. H. DUNCAN - LORAL VOUGHT SYSTEMS - 1008 N. JOHN REDDITT DRIVE**

Mayor Bronaugh stated that the next item for consideration was to consider Second Reading of an Ordinance for Reinvestment Zone and Tax Abatement as requested by R. H. Duncan on behalf of Loral Vought Systems on approximately 10.058 acre tract of land designated as 1008 N. John Redditt Drive.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance for Reinvestment Zone and Tax Abatement be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - PRE-TREATMENT ORDINANCE REVISED - SUBMITTAL TO EPA

Mayor Bronaugh stated that the next item for consideration was Second Reading of the revised Pre-Treatment Ordinance for submittal to the EPA.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that revised Pre-Treatment Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - COMMERCIAL, NEIGHBORHOOD RETAIL AND RESIDENTIAL LARGE TO COMMERCIAL - PHIL MEDFORD - 1500 AND 2000 BLOCK OF S. MEDFORD DRIVE

Mayor Bronaugh stated that the next item for consideration was request of Phil Medford to change the zoning from Commercial, Neighborhood Retail and Residential Large to a single zoning district of Commercial on approximately 7.96 acres of land between the 1500 and 2000 block of S. Medford Drive.

City Manager Maclin stated that the Planning and Zoning Commission by unanimous vote recommends the zoning on the subject site be changed to Commercial as requested.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. RECOMMENDATION - APPROVED - COMPREHENSIVE PLAN AMENDED - SOUTH CHESTNUT - MARGARET STREET - VAN STREET - LUFKIN AVENUE

Mayor Bronaugh stated that the next item for consideration was request of Lester Adkison to change the zoning on Lot 6, Block 3 of the Shearer Addition (commonly known as 105 S. Chestnut) from Duplex to Commercial.

City Manager Maclin stated that this item was also considered by the Planning & Zoning Commission, and because of the current status of the Comprehensive Plan as far as the zoning for this area, the Planning & Zoning Commission is recommending to Council by unanimous vote that the Comprehensive Plan be amended on the property bounded by South Chestnut, Margaret Street, Van Street and Lufkin Avenue from Residential to Commercial. City Manager Maclin stated that the Planning & Zoning Commission wanted to maintain a sequence of order of amending the Comprehensive Plan before formally considering the zone change request. City Manager Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends that the Future Land Use Map of the Comprehensive Plan be amended on the property bounded by South Chestnut, Margaret Street, Van Street, and Lufkin Avenue from Residential to Commercial.

Motion was made by Councilman Larry Kegler and seconded by Councilman Tucker Weems that the Comprehensive Plan be amended as recommended by the Planning & Zoning Commission for property bounded by South Chestnut, Margaret Street, Van Street and Lufkin Avenue. A unanimous affirmative vote was recorded.

City Planner Stephen Abraham stated that the Planning & Zoning Commission forwarded the recommendation to amend the Comprehensive Plan but tabled the actual request for a zone change. Mr. Abraham stated that there are some technical problems dealing with the request being at odds with the Comprehensive Plan as it stood, but also there is a problem with spot zoning. Mr. Abraham stated that there is a piece of property between the radiator shop on South Chestnut and Mr. Adkison's property (which is a vacant lot) that is currently zoned Duplex. Mr. Abraham stated that the Planning & Zoning Commission also had a problem with Commercial zoning. Mr. Abraham stated that following this change in the

Comprehensive Plan, with the agreement by Mr. Adkison, the Planning Department will readvertise the property as Neighborhood Retail and try to bring the adjoining property owner into this zone change. Mr. Abraham stated that the Planning & Zoning Commission has requested that the zone change include lots 6 and 7. Mr. Abraham stated that no action can be taken at this time on the zone change because no recommendation has been forwarded by the Planning & Zoning Commission.

9. LAKE EASTEX PROJECT - DISCUSSED

Mayor Bronaugh stated that the next item for consideration was to discuss further participation in the Lake Eastex project.

City Manager Maclin stated that a sheet of paper had been placed on the Council table before Councilmembers with the heading "Sam Rayburn Water Contracts - Present and Future Water Supply Storage". City Manager Maclin stated that apparently the City's water supply is ground water from eight wells. City Manager Maclin stated that a few years ago when the TNRCC would monitor levels of the wells, the volume of the water in the wells was dropping, because in addition to the City using that aquifer, Champion Papermill was also using the aquifer for the production of paper. City Manager Maclin stated that Champion realized that there were some things they could do to reduce the amount of water they used on a daily basis and began to implement some recycling and conservation measures and actually reduced their consumption from around 25 million gallons per day to about 15 to 16 million gallons per day. City Manager Maclin stated that after these conservation measures were taken the City began to see the levels in the wells coming back up instead of dropping, thereby indicating that the City's ability to stay on ground water would be prolonged for many more years into the future. City Manager Maclin stated that obviously ground water has many desirable characteristics, it's typically cheaper to produce than surface water because it requires much less treatment. City Manager Maclin stated that staff does not see in the immediate future the City having to look for other sources other than ground water simply because the ground water supply is adequate and the future based on current growth patterns seems to be adequate for several years into the future. City Manager Maclin stated that looking on the sheet that was handed out he would explain what the City did in 1968 to insure water supply for the City of Lufkin, both municipal and industrial, by purchasing water rights through the Lower Neches River Authority and Sam Rayburn Corps of Engineers. City Manager Maclin stated that the first contract from the Lower Neches River Authority dated November 26, 1968, which basically allowed the City to purchase 28,000 acre feet per annum, which equivalates to about 26,000,000 gallons per day. Looking at the top row, the City entered into a contract with the Corps of Engineers for 18,0000 acre feet per annum in 1969, and in 1976 added an additional 25,000 acre feet per annum, which basically provides storage capacity for the City for about 43,000 acre feet. City Manager Maclin stated that the City has not at this point been required to have a need to utilize the surface water supplies that it is paying for - these are viewed as an insurance policy to guarantee future water supplies. City Manager Maclin stated that the contract costs with the Lower Neches River Authority in 1968 was a 46 year contract at a total of \$744,721 with an annual payment of \$16,189.60. In 1969 when the City entered in a 50 year contract with the Corps of Engineers for the first 18,000 acre feet per annum, the contract cost was \$220,000 with payments to date of \$283,944 with a balance of \$136,321. City Manager Maclin stated that on the second contract where 25,000 additional acre feet per annum was added, the contract costs was \$305,600, with payments to date of \$345,000 including the interest costs, with a balance of \$186,000 (this is a 40 year contract). City Manager Maclin stated that the fourth item is something the Council looked at a little over a year and a half ago when Sam Rayburn Corps of Engineers came and said they needed to make \$45,000,000-\$46,000,000 worth of repairs to the spillway and the City's share would be \$115,000 on a three year contract (\$38,3 00 has been paid to date).

City Manager Maclin stated that this is an overview of the City's current situation -

using ground water supplies from the Carizo Aquifer, there is available a 43,000 acre feet of storage capacity reserved on Rayburn, and the ability through the contract with the Lower Neches River Authority to draw down 28,000 acre feet per annum or 26,000,000 gallons per day. City Manager Maclin stated that the last item on the page is where the City entered into a contract with the Angelina Neches River Authority, through a Texas Water Development loan in the amount of \$185,000 for the City's share on the Lake Eastex Project, the contract period is from 1989 to 1996, and the contract costs will be \$39,251. Originally when this was voted on by the Council, it was \$5,216 per year for 7 years, which will end up coming in about \$3,000 above what was originally projected.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the City has eight wells that can be pumped out of, and typically between 6 and 7 million gallons will be pumped per day, and peak between 9 and 10 million gallons per day. City Manager Maclin stated that Pilgrim's Pride is the City's largest user and they will average between a million gallons per day in consumption (1/7th of the City's daily pumping capacity).

Gary Neighbors, General Manager of ANRA, stated that in 1988 the City of Lufkin executed a contract with the Angelina & Neches River Authority entitled "Preconstruction Period Agreement Lake Eastex Project". Mr. Neighbors stated that under this agreement the City of Lufkin acquired a right to later contract for a portion of Lake Eastex water rights when Lake Eastex Construction activities begin; and, agreed to fund a portion of ANRA costs of completing the Lake's preconstruction period activities which include completing actions necessary to acquire a federal permit, apply for a federal permit and study ways to meet the City's water supply needs in the most economical manner. Upon receipt of a federal permit, ANRA would deliver a certified project cost estimate along with a land acquisition plan.

Mr. Neighbors stated that he is before Council tonight to report on the project's current status and inform Councilmembers that additional funds are needed to complete preconstruction activities. Mr. Neighbors stated that under the terms of the City's 1988 agreement, there is no obligation to continue as a project participant nor provide additional funds other than to pay the City's share of existing debt obligations.

Mr. Neighbors presented a history and status of Lake Eastex, stating that there are 23 participants in the project. (This information on file in the City Secretary's Office.)

Mr. Neighbors stated that the City of Lufkin has four options, which are: (1) To continue participation in the Lake Eastex Project, (2) Reduce Lake Eastex participation, (3) Decline Lake Eastex participation and forfeit present rights, or (4) Increase Lake Eastex participation.

In response to question by Councilman Weems, Mr. Neighbors stated that it would cost between \$85,000,000 to \$100,000,000 to build the entire reservoir. Mr. Neighbors stated that any lake project is worked in phases, and Lake Eastex is in pre-construction at this time. Mr. Neighbors stated that to go to construction is not automatic, he would come back before Council and give them the opportunity to revisit the issue of going to construction or not. Councilman Weems stated that this would mean a \$7.5 million dollar bond issue for the City of Lufkin upon completion, plus the interest, which would amount to a total of \$15 million. Mr. Neighbors affirmed the statement made by Councilman Weems.

Mayor Bronaugh stated that he did not feel that the Council should make a decision tonight. Mayor Bronaugh stated that Council can consider having a workshop or the City Manager can prepare some information and place this back on the agenda for discussion within a month's time. Councilman Weems requested that the City Manager put together some estimated costs in regard to getting the water into the City from Rayburn.

10. **1994 BUILDING CODES - ADOPTED**

Mayor Bronaugh stated that the next item for consideration was the adoption of the 1994 Building Codes.

City Manager Maclin stated that included in the Councilmembers packet is a letter from the Asst. City Manager of Administration/Finance and a letter from Building Official Jack Bresie recommending adoption of the 1994 Building Code. City Manager Maclin stated that the City needs to consider updating and revising the Building Codes to reflect 1994 revisions, which includes the Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code and the Standard Fire Prevention Code.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems to adopt the 1994 Building Codes. A unanimous affirmative vote was recorded.

11. **ORDINANCE - APPROVED - FIRST READING - WATER METER DEPOSITS REVISED**

Mayor Bronaugh stated that the next item for consideration was an Ordinance to revise water meter deposits.

City Manager Maclin stated that included in the packet is a recommendation from the Utility Supervisor, Mr. Squyres, along with a water meter deposit survey for reference. City Manager Maclin stated that staff's main motivation for consideration of increasing the deposits is that with the increase in rates voted on in the 1994-95 budget, the minimum bill will be sufficient to cover the minimum billing total (two months) for water, sewer and garbage.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. **REFUSE BAGS - APPROVED - HGAC**

Mayor Bronaugh stated that the next item for consideration was authorization to purchase refuse bags through the HGAC purchasing program.

City Manager Maclin stated that staff is seeking authorization to accept bids through the HGAC Program for acquisition of various needs of the City, and this request is specifically to purchase plastic bags for garbage disposal.

Councilman Gorden stated that as a method of reducing costs consideration might be given to eliminating the garbage bags altogether. City Manager Maclin stated that staff has given this some consideration and will be bringing this subject up in the future.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Tucker Weems authorizing staff to seek bids through the HGAC Program for the purchase of garbage bags. A unanimous affirmative vote was recorded.

13a. **LEASE PURCHASE - APPROVED - BALER & FLUFFER - RECYCLING DEPARTMENT - INDUSTRIAL DISPOSAL SUPPLY - GOVERNMENT CAPITAL**

Mayor Bronaugh stated that the next item for consideration was bids for a baler and fluffer to be used in the Recycling Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Industrial Disposal Supply in the amount of \$142,500 under a lease purchase

agreement with Government Capital at an interest rate of 6.23%.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that bid of Industrial Disposal Supply in the amount of \$142,500 under a lease purchase agreement with Government Capital at an interest rate of 6.23% be approved as submitted. A unanimous affirmative vote was recorded.

13b. **BID - APPROVED - PUMPING EQUIPMENT REPLACEMENT - WATER WELL NO. 6 - ALSAY, INC.**

Mayor Bronaugh stated that the next item for consideration was bids for pumping equipment replacement for Water Well No. 6.

City Manager Maclin stated that included in the packet is a letter from the Asst. City Manager of Public Works Ron Wesch, a letter of recommendation from the engineer and a field investigation report. City Manager Maclin stated that staff recommendation is to award the bid of Alsay, Inc. in the amount of \$100,631. City Manager Maclin stated that staff further recommends that this amount be included in the Revenue Bond Issuance needed for the replacement of the AC pipe in the well field lines.

Mr. Wesch stated that the bids on the well field line replacement have come in \$200,000 under the estimated costs.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. to award the low bid of Alsay, Inc. in the amount of \$100,631 and that this amount be included in the Revenue Bond Issuance needed for the replacement of the AC pipe in the well field lines. A unanimous affirmative vote was recorded.

14. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 6:56 p. m. to enter into Executive Session. Regular Session reconvened at 7:41 p. m. and Mayor Bronaugh announced that Council had discussed possible legal matters and appointments to Boards and Commissions.

15. **REAPPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS - DON LANGSTON - LUFKIN BOARD OF DEVELOPMENT - STANLEY NEW**

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Stanley New be re-appointed to the Lufkin Board of Development. A unanimous affirmative vote was recorded.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Don Langston be re-appointed to the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

16. **COMMENTS**

Councilman Kegler introduced Councilman Thurman Hulett from the City of Corrigan.


City Manager Maclin stated that Dr. Janelle Ashley, SFA, will be speaking at the First Friday luncheon.


Mayor Bronaugh reminded Councilmembers of the DETCOG meeting to be held on October 20.

City Manager Maclin stated that installation of four cartridges had been completed at

the wastewater treatment plant last Friday and four additional units were installed yesterday. City Manager Maclin stated that tests will be performed by TNRCC next week.

17. There being no further business for consideration, meeting adjourned at 8:00 p.m.

ATTEST:

Atha Stokes - City Secretary


Louis A. Bronaugh - Mayor