MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF FEBRUARY, 2000 AT 5:00 P. M.

On the 1st day of February, 2000 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 Bronaugh	Mayor
Bob Bowman	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Work
Stephen Abraham	Director of Planning

being present, and

C. G. Maclin	City Manager

being absent when the following business was transacted.

1. Meeting was opened with prayer by City Attorney Bob Flournoy.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the regular meeting of January 18, 2000 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember Bob Bowman. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - PROPOSED CLOSURE OF LOOP 287 CROSSOVER AT ALLENDALE**

Mayor Bronaugh opened Public Hearing to consider the proposed closure of the Loop 287 crossover at Allendale.

Mayor Bronaugh asked Keith Wright, City Engineer, to make a presentation on this item. Mr. Wright stated that he had received three complaints regarding safety at the crossover. Mr. Wright stated that calls such as this, in his opinion, warrant immediate response. Mr. Wright stated that he had also received a letter from the Police Chief questioning the safety of this crossover. Mr. Wright stated that he observed the crossover during the day and noticed three different factors concerning the crossover. Mr. Wright stated that traffic is moving from a stopped position across two lanes of traffic. Mr. Wright stated that, also, you are crossing from zero speed across two lanes of very high speed traffic. Mr. Wright stated that the Police Chief, through a grant, has done a study of speeds in the area recently, and will present this information to Council. Mr. Wright stated that the City staff had put out some traffic counters to try to pick up the traffic counts in this area, which were very expensive traffic counters, that would have told the types of vehicles, the speed of the vehicles in addition to the count, but they were destroyed. Mr. Wright stated that traffic counts completed by TxDOT in 1988 shows a 24,000 vehicle count per day, and they are estimating a 5% increase since that time. Mr. Wright stated that there was a fatality at Copeland and the Loop yesterday, and any time there is a fatality staff is very concerned in picking up as much information as possible in order to relate that information to the Police Department for future use. Mr. Wright stated that the Engineering Department went out to survey the intersection and pick up all the pertinent data and the thing they noticed is that the speed is very high. Mr. Wright stated that another concern in this vicinity is the sight distance coming off the overpass from Southwood towards Copeland which means that the reaction time that someone would have at these high speeds is very short. Mr. Wright stated that the third thing that he is concerned about is the high volume of traffic during certain times of the day. Mr. Wright stated that the counter that was destroyed had been set up to count the traffic on Sunday, since there are three churches in the vicinity trying to utilize that crossover.

Mr. Wright stated that besides the safety concerns that was part of the City's request to TxDOT for a temporary closing is that staff knows from dealing with TxDOT what their plans are. Mr. Wright stated that currrently they are working on creating a "u-turn" at Southwood and plan to close all the crossovers between Southwood and U. S. 59. Mr. Wright stated that these crossovers, just like the one that was closed at Paul, are being closed because of the safety hazard they represent. Mr. Wright stated that due to the high volume of traffic TxDOT's long range plans are to look at improving that section of the Loop and putting in some type of frontage roads to take care of local traffic.

Mr. Wright stated that another issue is Allendale inside the Loop. Mr. Wright stated that looking at the drawing he handed out there is a section of Allendale that has three different almost 90 degree turns, which is a hazard in itself. Mr. Wright stated that the realignment of a section of Allendale was being discussed many months prior to the discussion of the crossover at Allendale. Mr. Wright stated that staff has been working with the churches about conveying property from one church to the other, conveying the City's rights to the existing street, and obtaining rights to the new Allendale. Mr. Wright stated that with the new Allendale, traffic will go further to the north towards Southwood and it will lessen the stopping distance and sight distance by about 30-40 feet.

At the request of Mayor Bronaugh, Mr. Wright turned the drawing around to the audience. Mr. Wright stated that the proposed realignment of Allendale is further towards Southwood where it would come out onto the Loop which would have created a need to modify the crossover in any event due to the relocation of Allendale. Mr. Wright stated that a problem is that it moves the entrance into the Loop closer to the Southwood overpass which further decreases the safety of the crossover.

Mr. Wright stated that he personally believes that it is not a question if someone will lose their life at this crossover, but it is a question of when as it now exists.

Chief Collins stated that the definition of an accident is "when two vehicles try to occupy the same space at the same time". Chief Collins stated that the way to prevent traffic accidents is to eliminate one of those two factors - space or time. Chief Collins stated that the Highway Department and the City spends a lot of money putting up barriers, painting center lines on highways, painting lane markers on the highways, putting those "knobs" out to try and keep cars in a certain place, in order to control the space on the highway that is used. Chief Collins stated that there are speed limits and traffic lights and several other devices trying to control the time to prevent two vehicles from trying to occupy the same space at the same time. Chief Collins stated that both of those elements come into play at the Allendale crossover. Chief Collins stated that this is a high traffic area particularly at the time of church services (especially at the Assembly of God Church) and coming out of the parking lots trying to get onto the Loop and in a very short distance crossing two lanes of 55 mph or faster moving traffic and getting over into the left turn lane and using the crossover. Chief Collins stated that at the same time there is another church on the other side of the Loop that may be letting out where people may be trying to use the same crossover to go the other way, which constitutes a real hazard with space and time conflicts in four different directions. Chief Collins stated that, in his opinion, it would be far safer to close the crossover and require the traffic that is now using Allendale to go up to the next crossover because they have some time and distance to accelerate to match their speed to the Loop traffic in order to get over two lanes and use the next crossover. Chief Collins stated that to compound the situation even further, on the drawings the Allendale crossover is right near the elbow where the West Loop becomes the South Loop, and the Southwood Drive overpass also comes into play. Chief Collins stated that those vehicles who are north bound on the Loop are coming off of the overpass around a curve and then they are facing all the traffic coming from the church trying to use the crossover. Chief Collins stated that the Police Department has been studying the traffic in this area for several months and have had an officer working on an off-duty, overtime project for the last three months trying to get the average speed down. Chief Collins stated that at this time the average speed is 55 and 56 mph. Chief Collins stated that they are writing many tickets, even at 65 and 70 in this same location. Chief Collins stated that they are targeting the Copeland area, within one half mile on either side of Copeland, trying to get the average speed down to provide more safety and to prevent those conflicts of speed and space. Chief Collins stated that as Mr. Wright mentioned there was a fatality at Copeland and the Loop yesterday, which was a situation where one of the controls failed. Chief Collins stated that there were two vehicles at 90 degree angles, one crossing the Loop and one on the Loop, and one of those two vehicles failed to heed the time control (the traffic light) and they collided in the intersection. Chief Collins stated that staff is asking that this crossover be closed to eliminate the space conflict. Chief Collins stated that this particular crossover would not be conducive to a traffic light, and the only safe way to deal with this area of conflict is to close the crossover and move the traffic down to the next crossover. Chief Collins stated that he knows that this will inconvenience some people, so Council's decision is whether to serve the public safety or serve the convenience, both of which is important. Chief Collins stated that there are five residences on Allendale outside the Loop that will be inconvenienced by this and two residences on Mossfield. Chief Collins stated that three churches and six families will be impacted by the closing of the crossover, but the more families and the more churches in the area the more problems there will be because of the potential for conflicts.

Kevin Langston, a resident of the Hays Wood Subdivision behind the First Assembly of God Church, stated that he is not totally against the closure of the crossover. Mr. Langston stated that one factor that had not been addressed is the fact that the crossover has been closed and what actually happens to the church traffic when it lets out. Mr. Langston stated that what is happening now, since the crossover has been temporarily close, is that instead of going onto the Loop and going down to Copeland they come through his neighborhood. Mr. Langston stated that he witnessed last weekend between 75 and 100 cars in a 20-25 minute time span coming through a residential neighborhood. Mr. Langston stated that they were not speeding or driving recklessly, but it is a tremendous increase in traffic on a short street where there are kids on bicycles and roller blades. Mr. Langston stated that his street was not designed to accommodate that kind of traffic, unlike the Loop. Mr. Langston stated that he was in favor of any kind of measures that increases the safety of local citizens and anyone visiting. Mr. Langston stated that he would also like to consider some other consequences that may arise from doing this now and not later when TxDOT is more ready to give the citizens some more alternatives.

David Thompson, a member of the Angelina Baptist Church across the Loop, stated that he was representing the members of his church, and to them this is an inconvenience. Mr. Thompson stated that he lives behind his church and there is already congestion in this vicinity. Mr. Thompson stated that it seems that more attention is being given to this crossover since a Police car had a wreck there recently. Mr. Thompson stated that if there is a problem coming off of the overpass, the entrance to the Assembly of God Church could be moved to Allendale and the crossover could be moved to Mossfield. Mr. Thompson stated that closing this crossover is not the answer to the problem. Mr. Thompson stated that $10,000 was spent recently resurfacing this crossover and now it is closed.

Jon Sprinkle stated that he is a member of the Assembly of God church and his concern is that the Church is aggressively growing and is reaching out to teenagers which will attract hundreds of teenagers with cars. Mr. Sprinkle stated that he would like Council to direct the City Engineer and the experts to look at this situation long term and look for an opportunity to redesign entrances and exits to the churches. Mr. Sprinkle stated that if closing the crossover makes it safe for the kids he was in favor of closing the crossover.

Mayor Bronaugh stated that he personally would like to ask the Church to consider their eggress and opening from their parking lot onto the Loop to reduce the danger.

Mayor Bronaugh closed Public Hearing.

5. **ORDINANCE - APPROVED - SECOND READING - POLICE TRAINING PAY**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance concerning Police training pay.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that Ordinance concerning Police training pay be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - LOCAL BUSINESS TO CENTRAL BUSINESS - 2209 ATKINSON DRIVE - TRAYLOR STREET - T. MITCHELL GIBSON - ESTATE OF MARY S. F. NARANJO-GIBSON**

Mayor Bronaugh stated that the next item for consideration was the request of T. Mitchell Gibson on behalf of the Estate of Mary S. F. Naranjo-Gibson to change the zoning from "Local Business" to "Central Business" on approximately 0.551 acres of land commonly known as 2209 Atkinson Drive and located approximately 250 feet west of Traylor Street.

James Hager, Asst. City Manager, stated that included in the Council packet is a memo of explanation from the Planning Department. Mr. Hager stated that the Planning & Zoning Commission, by unanimous vote, recommends approval of this request. Mr. Hager stated that subsequent to that meeting the Planning Department received a letter of opposition on Thursday that constitutes 20% of the land ownership in opposition to this zone change. Mr. Hager stated that in order to approve this request, it will take a six member affirmative vote of the Council.

Mr. Gibson stated that he met with the lady who owns the house next door to this property in January and at that point she stated that she had no objection to the request. Mr. Gibson stated that he met with her again today and there is some confusion about whether or not she is opposed to the request. Mr. Gibson stated that it was his understanding that her concern is that her property taxes may go up if he improved his property. Mr. Gibson stated that he had gone over the plans in detail with the adjoining property owner and she did not have any objections at that time. Mr. Gibson presented an architect's rendering to Council. Mr. Gibson stated that as much as possible he will leave the existing trees on the property and the parking area in front of the building will be filled with a porous material which will minimize run-off considerations. Mr. Gibson stated that he will have a security fence which will be wired to the Police Department. Mr. Gibson stated that lighting will be attached to the building. Mr. Gibson stated that the traffic load will be coming off of Traylor Street and it is anticipated there will be about ten vehicles a day, with no direct access to Atkinson. Mr. Gibson stated that he is planning to build between 160-175 storage units depending upon the final architect's plan, and will spend between $240,000-300,000 in construction, and will be employing one full time person.

In response to question by Councilmember Bowman, Mr. Gibson stated that this will be a storage facility.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from "Local Business" to "Central Business" on approximately 0.551 acres of land commonly known as 2209 Atkinson Drive and located approximately 250 feet west of Traylor Street as requested by T. Mitchell Gibson on behalf of the Estate of Mary S. F. Naranjo-Gibson be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - RESTAURANT WITH PRIVATE CLUB - CENTRAL BUSINESS ZONING DISTRICT - PERRY BROS. BUILDING - 100 SOUTH FIRST STREET - ROY DEAN CATES II**

Mayor Bronaugh stated that the next item for consideration was the request of Roy Dean Cates II on behalf of Perry Bros. Inc. to grant a Special Use Permit for a "Restaurant with Private Club" within a "Central Business" zoning district and located in the basement of the Perry Bros. Building at 100 South First Street.

Mr. Hager stated that included in the Council packet is a memorandum of explanation from the Planning Department. Mr. Hager stated that the Planning & Zoning Commission, by a 6-1 vote, recommends approval of this Special Use Permit with the stipulation that the operation be in conjunction with the operation of a restaurant.

Roy Dean Cates stated that he was present representing Marbles Restaurant and was a native of Lufkin. Mr. Cates stated that he attended LeChef Institute in Austin and for the last five years he has worked and trained in several fine restaurants in Austin. Mr. Cates stated that with the plans to rennovate downtown, in his opinion, the restaurant will offer something unique to Lufkin and surrounding areas. In response to question by Councilmember Torres, Mr. Cates stated that the restaurant will be open from 11 a. m. to 2 p.m. for lunch and from 6 p. m. to 10 p. m. for dinner, six days a week, and will be closed on Sunday.

Charles (Dubby) Perry spoke on behalf of the restaurant as an interested citizen of Lufkin. Phil Medford, who recently purchased a building downtown, also spoke on behalf of the restaurant and the revitilization of downtown. Mr. Medford stated that he had known Mr. Cates and his family for many years and it is his belief that they would use good and proper judgment in the operation of their business.

Carol McComb read a statement to Council in opposition of the request. Mrs. McComb stated that she was present to protest alcohol being brought into a "dry" county through restaurants with private clubs. Mrs. McComb stated that there were well over 21 private clubs in Lufkin, which sell alcohol. Mrs. McComb stated that she was concerned about the message this was sending to children. Mrs. McComb asked that Council vote against issuing this Special Use Permit.

Mrs. McComb presented a letter from the Texas Alcohol and Drug Abuse Council to each of the Councilmembers.

Also speaking in opposition of the request, and against the sale of alcohol, were: Rev. Walter Futch, Pastor Josephine Hughes, Jon Sprinkle and Abraham Riser, Jr. Pastor Hughes stated that her main objections were the sale of alcohol in close proximity to the churches that are in the downtown area and the parking problems.

Owen Chastain stated that he was present as a representative of Perry Bros. for Mr. Charles Acklens, president of the Company, and lessor who will be leasing the restaurant. Mr. Chastain stated that Mr. Acklens was not able to attend tonight's meeting, but wanted him to convey to Council that they were excited about being a part of revitalizing downtown.

In response to question by Councilmember Bowman, Mr. Flournoy stated that the Private Club law is applicable throughout the State and the big problem is that the State has usurped all authority the City has over control of the private clubs, and all the City has is the zoning rights. Councilmember Bowman asked if Council rejected this request what recourse would Mr. Cates have. Mr. Flournoy stated that if the request is rejected he would not have recourse, he could not have a private club in his restaurant. Mr. Flournoy stated that he could go to District Court but did not think he would be successful. Mr. Flournoy stated that this is a judgment call that Council has the right to make. Councilmember Bowman stated that when Council grants a permit it seems to linger with that property, and Council does not seem to have authority over that. Mr. Bowman asked if there is a system that can be put in place that when a restaurant closes the zoning would automatically come back to Council. Stephen Abraham, Director of Planning, stated that zoning runs with the land, and this is a zoning case, a land use matter. Mr. Abraham stated that what he has tried to do with a Special Use Permit is that Council can make stipulations that have to do with a land use issue. Mr. Abraham stated that, in his opinion, a private club is simply a mechanism by which the alcohol can be sold in a "dry" county through a membership. Mr. Abraham stated that Council will be approving a restaurant that serves alcohol, and not a dance hall, or a lounge. Mr. Abraham stated that the floor plan, which shows a dining area, will become a part of the Ordinance. Mr. Abraham stated that any future owners would have to operate very similar to what is being proposed tonight in compliance with the site plan and conditions that are stipulated. Mr. Abraham stated that Special Use Permits run with the land, and this is simply a land use issue.

City Attorney Flournoy stated that this is not a moral issue for this Council. Mr. Flournoy stated that this is a land use question and a question of safety and traffic and parking and it is legal. Mr. Flournoy stated that the State has determined that it is legal to have private clubs, and the real question is, how does something that is legal fit into the orderly development of your community.

In response to question by Councilmember Robertson, Mr. Cates stated that he would be able to seat 60 people in the restaurant. Mr. Cates stated that he would take the responsibility to monitor those patrons consuming alcohol. Mr. Cates stated that he would like to have some guidelines to be able to monitor effectively. Mr. Cates stated that he is having the private club to be able to be competitive with the markets in the community. Mr. Cates stated that his expertise is with food.

In response to question by Councilmember Robertson, Mr. Flournoy stated that there are some recent cases that have imposed liability on establishments serving alcoholic beverages and allowing people to leave who have had too much to drink.

Chief Collins stated that the State law as well as the TABC regulations places a limitation on any licensed holder who serves alcoholic beverages. Chief Collins stated that they have a legal requirement to ascertain that the person they are serving is not intoxicated. Chief Collins stated that if Mr. Cates served drinks to a person who was intoxicated, he could be arrested as well as the person he is serving. Chief Collins stated that Mr. Cates and all of his employees will be under State law not to serve persons who are inebriated.

Pastor Hughes asked if State law overrides the law that alcoholic beverages cannot be sold within 300 feet of a church. Pastor Hughes stated that the church has been at its present location for 16 years. Mr. Flournoy stated that State law does not override that and he was not sure if this private club fits within that 300 feet measurement or not. Mr. Flournoy stated that if the private club is within the 300 feet there is a prohibition against it unless the City grants a variance. Pastor Hughes stated that First Assembly Church has a youth group that meets next door to

Roma's on Wednesday nights.

Mr. Abraham stated that the TABC code does state that cities can impose the 300 foot rule but that the governing body can grant a variance. Mr. Abraham stated that the Planning Department staff is asking Council to consider this request as being within the 300 foot although it is probably between a couple of feet either way. Mr. Abraham stated that to be safe he is going to suggest that Council consider that the club is within 300 feet and therefore determine one of those six reasons listed in the memo to apply in this case. Mr. Abraham stated that Council would be able to grant a variance if they so choose. Mr. Abraham stated that same rule that gives the 300 foot rule gives the governing body of the City the ability to determine that a variance is appropriate in this case.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Dennis Robertson that Ordinance for a Special Use Permit for a "Restaurant with Private Club" within a "Central Business" zoning district and located in the basement of the Perry Bros. Building at 100 South First Street as requested by Roy Dean Cates II on behalf of Perry Bros. Inc. be approved on First Reading with a variance to the 300 foot rule and the following condition: The Special Use Permit is for the sale of alcoholic beverages only in conjunction with a full service restaurant facility; and shall not be construed as allowing the premises to be used in a manner that constitutes a nightclub, tavern, lounge, dance hall or commercial establishment.

The following vote was recorded:

Aye: Councilmembers Gorden, Torres, Boyd, Robertson and Mayor Bronaugh
Nay: Councilmembers Bowman and Kuykendall

Motion carried with five affirmative votes.

8. **RECOMMENDATION - APPROVED - TXDOT - LOOP 287 CROSSOVER AT ALLENDALE**

Mayor Bronaugh stated that the next item for consideration was a recommendation of TxDOT regarding closure of the crossover at Loop 287 and Allendale.

Mr. Hager stated that this is the actual decision that Council is being asked to make regarding the closing of the crossover.

Mr. Wright stated that this will just be a recommendation to TxDOT and they will have to make the decision for closing this crossover.

In response to question by Councilmember Torres, Mr. Wright stated that the straightening of Allendale is a project that he hopes to do under the bond package for the street improvements. Mr. Hager stated that this will be under the $4 million street improvements that Council approved. Mr. Wright stated that TxDOT is surveying the crossover areas at this time and it was his understanding that they would let the project in June to go ahead and close the crossovers between U. S. 59 and Southwood and construct a "u-turn" at Southwood. Mr. Wright stated that this project would take six to eight months to construct.

Councilmember Gorden asked if Mr. Wright had the authority to close the crossover. Mr. Wright stated that he did not have the authority to close a Texas Department of Transportation street but he can do things within the City streets. Mr. Wright stated that as a traffic engineer he recommended to TxDOT the temporary closing of the crossover and they agreed to that until the City could hold this Public Hearing and come back to them with a recommendation and they would then react or make a decision about a permanent closure, or not to close the crossover. Mr. Wright stated that TxDOT agreed to have City work force close the crossing.

Councilmember Gorden stated that Mr. Wright could identify untold numbers of like things around town but he was curious as to how this one came to the surface without the Council discussing it. Mr. Wright stated that his decision was made based on the large volume of traffic, the sight distance and the movement of traffic. Mr. Wright stated that there had been seven accidents at this location over the past year. Mr. Gorden stated that the number of accidents at crossovers around the Loop was considerably higher. Mr. Gorden stated that the West Loop is a time bomb waiting to happen. Mr. Gorden stated that he appreciated the Highway Department building the Loop to serve Lufkin back in the '60's but they have totally neglected keeping up with the traffic on the Loop. Mr. Gorden stated that the City of Lufkin has got to do everything in its power to get TxDOT to move on correcting whats happening on the West Loop. Mr. Gorden stated that he sincerely appreciated Chief Collin's efforts in trying to slow the traffic down in the curve, but something has got to be done. Mr. Gorden stated that he is not sure that closing the crossover is the answer. Mr. Gorden stated that the gentlemen had an excellent point in that closing the crossover will force the traffic on down the Loop and create similar situations in a different location. Mr. Gorden stated that basically the whole situation has not been studied enough to close the crossover right now. Mr. Gorden stated that if the crossover is closed the City needs some kind of strong commitment for correction of the other items such as the speed.

Mr. Wright stated that staff met with TxDOT several weeks ago and there was discussion of long range plans for the West Loop. Mr. Gorden stated that what is needed is short range plans for right now. Mr. Robertson stated that he would like to see the City encourage TxDOT to do a better job of managing the safety situation. Mr. Gorden stated that this phenomenon of the West Loop has just happened in the last four or five years and each year it gets worse, and we need action now. Mr. Gorden stated that a feeder road coming off of Allendale would allievate much of the problem. Mr. Gorden stated that he was not sure that this situation has been studied enough. Mr. Gorden stated that TxDOT is passing off their responsibility to address this on the neighborhoods around that thoroughfare.

Mr. Wright stated that approximately a year ago the City passed a Resolution asking TxDOT to concentrate on the 59 south corridor coming into town as far as their near term improvements, and Council might want to pass a Resolution to speed up the process on the West Loop. Mr. Gorden stated that this is another example of sloughing off their responsibility and this should have been addressed a long time ago. Mr. Gorden stated that the completion of the 59 south corridor is years away from completion and we cannot wait for years to resolve the West Loop situation.

Mr. Wright stated that he made his decision on the closure of the crossover on one factor only and that was comparing convenience to safety. Mr. Gorden stated that he appreciated that, but if you compare this crossing to every other crossing and stop light on the Loop, this crossover is really on the low end of the scale.

Mr. Wright stated that he would like to make a recommendation that Council table this item for tonight, leave the crossover temporarily closed, and request a meeting with some members of TxDOT, the resident engineer and two or three of the Councilmembers who have an interest in this crossing. Mr. Wright stated that Councilmembers could discuss this and hear their side of the story and see if this is something that Council wants to put on the Agenda as a Resolution. Mayor Bronaugh suggested a workshop with all members of the Council.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that this item be tabled until the February 15th meeting. A unanimous affirmative vote was recorded.

9. **ENGINEERING CONTRACT - APPROVED - 2000 TCDP GRANT PROJECT - GOODWIN-LASITER, INC.**

Mayor Bronaugh stated that the next item for consideration was approval of engineering contract with Goodwin-Lasiter, Inc. for the 2000 TCDP grant project.

Mr. Hager stated that staff has mentioned to Council that the City has been successful with a grant for the asbestos/cement waterline replacement. Mr. Hager stated that this is in conjunction with the low interest loan the City is getting and the next step is to engage the engineering firm. The staff recommendation is Goodwin-Lasiter.

In response to question by Councilmember Bowman, Mr. Wright stated that the grant is for $250,000. Mr. Wright stated that basically Council has already approved Goodwin-Lasiter as one of the engineers for the asbestos/cement waterline replacement. Mr. Wright stated that this is just a matter of semantics for showing in the Minutes that Goodwin-Lasiter was associated with this grant. Mr. Wright stated that staff has assigned four different projects to the engineers to give cost estimates so that staff can establish a fee, and that is still being negotiated with the engineers at this time. Mr. Wright stated that the main reason for this is to show in the Minutes of the Council that Goodwin-Lasiter was awarded the contract under the TCDP grant.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that engineering contract of Goodwin-Lasiter, Inc. for the 2000 TCDP Grant Project be approved as presented. A unanimous affirmative vote was recorded.

10. **MANAGEMENT FIRM APPROVED - 2000 TCDP GRANT PROJECT - RAYMOND K. VANN & ASSOCIATES**

Mayor Bronaugh stated that the next item for consideration was discussion and selection of management firm for the 2000 TCDP Grant Project.

Mr. Hager stated that this is a request to award the grant project consulting contract to Raymond K. Vann who was instrumental in preparing the grant application.

Mr. Vann stated that his firm has been in business since 1987 primarily working with the Texas Community Development Program. Mr. Vann stated that his firm works with many cities and counties in this area. Mr. Vann stated that he also has an office in Richmond with two employees and seven employees in Lufkin who work on the grant projects. Mr. Vann stated that he is primarily responsible for the administration of the grants with assistance from other people who work for him. Mr. Vann stated that he will be responsible for the City's project. Mr. Vann stated that in his proposal he states that he "assists" the City with the grant process, but in fact he ends up doing work involved in the administration and management of the project.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that the management firm of Raymond K. Vann & Associates be selected to administer the 2000 TCDP Grant Project. A unanimous affirmative vote was recorded.

11. **PROPOSAL FOR REPAIRS - APPROVED - WATER WELL #10 - LAYNE-TEXAS**

Mayor Bronaugh stated that the next item for consideration was a proposal for repairs to Water Well #10.

Mr. Hager stated that this is actually an emergency bid item. Mr. Hager stated that during last year the aquifer began to get low and water well #10 was only 20 feet above the ground level, and there was some danger in damaging that pump. Mr.

Hager stated that the pump was pulled up and in the company's investigation of the pump it was found that there is approximately $52-53,000 worth of work that needs to be done on the pump. Mr. Hager stated that because it is a water well, it is deemed an emergency, and is an acceptable reason for an emergency bid item of this nature.

Mr. Wright stated that Well #3 is also down, which is being repaired under warranty. Mr. Wright stated that if Council approves this emergency repair, the well should be repaired within the next month and a half or two months. Mr. Wright stated that the City's demands right now are very extraordinary compared to normal this time of year. Mr. Wright stated that the plant is pumping 8.5 MGD on average where typically 6.5 to 7 MGD is pumped this time of year.

In response to question by Councilmember Gorden, Mr. Wright stated that Well #14 has been dug and the well pump assembly is in place. The water line is being laid at this time to tie it in, and it will be before the summer months. Mr. Wright stated that he is also currently looking for another piece of property as part of the CIP for Water Well #15, and it should be ready next summer. Mr. Wright stated that staff periodically takes measurements of the pumping level of the aquifer, and particularly during high useage periods. Mr. Wright stated that they recorded a pumping level that was only 20 feet above the impellors of the pump and if it would have dropped very much more there would have been a cone shape effect to the pump in the aquifer that it pulls down (a draw down), there was the possiblity of breaking suction and damaging the pump and it would have had to be pulled and sent off for repair.

In response to question by Mayor Bronaugh, Mr. Wright stated that Layne-Texas is currently working on Water Well #3.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that the firm of Layne-Texas be allowed to make the repairs to Water Well #10 under the emergency provisions of the bidding statutes. A unanimous affirmative vote was recorded.

12. **RESOLUTION - BUDGET AMENDMENT #2 - APPROVED**

Mayor Bronaugh stated that the next item for consideration was Budget Amendment #2.

Mr. Hager stated that staff is asking Council to consider transferring $251,400 from the Water/Wastewater Fund Balance to the 1997 Water & Sewer Improvements bond fund, for the purpose of water. Mr. Hager stated that the scope of that bond fund changed as a result of the drought. Mr. Hager stated that the initial purpose for that bond fund was to provide a two million gallon storage facility and to improve the water supply and the water quality. Mr. Hager stated that the City experienced a drought in 1998 and realized at that time that there was not adequate transmission ability to meet the demand. Mr. Hager stated that consequently staff has changed directions to meet that demand first and these additional funds will be required in order to provide transmission facilities responsible for improving that pumping capacity.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres that Budget Amendment #2 in the amount of $251,400 be approved as presented. A unanimous affirmative vote was recorded.

13a. **BID - APPROVED - WATER TREATMENT PLANT IMPROVEMENTS - OSCAR CRAWFORD CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for the water treatment plant improvements.

Mr. Hager stated that staff received four bids on this item and is requesting that Council consider the low bid of Oscar Crawford Construction in the amount of $1,034,089. Mr. Hager stated that staff is also requesting a change order in the amount of $30,465, which brings the total up to $1,064,554. Mr. Hager stated that this request has to do with expanding the pumping capacity from 14.0 MGD to about 17.5 MGD. Mr. Hager stated that this is needed for the interim before the City goes to Rayburn for water.

In response to question by Councilmember Boyd, Mr. Wright stated that the bid is in two parts and this is the plant itself, the pumping facility and the chlorination facility that are needed in order to produce the water to be pumped out into the system.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Jack Gorden, Jr. that the bid of Oscar Crawford Construction in the amount of $1,034,089, with a change order in the amount of $30,465 for computer control programming, for a total of $1,064,554 the water plant improvements be approved as submitted. A unanimous affirmative vote was recorded.

13b. **BID - APPROVED - SAYERS STREET WATER TRANSMISSION LINE - OSCAR CRAWFORD CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for the Sayers Street transmission line.

Mr. Hager stated that as Mr. Wright has mentioned this item is tied to Budget Amendment #2, and will improve the water quality, storage capacity, and pumping capacity of the City's water supply.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the bid of Oscar Crawford Construction in the amount of $297,331.18 for the Sayers Street water transmission line be approved as submitted. A unanimous affirmative vote was recorded.

13c. **BID - APPROVED - NORTH STREET DRAINAGE IMPROVEMENTS - EAST TEXAS CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for the North Street drainage improvements.

Mr. Hager stated that staff received four bids for this item and is recommending the low bid of East Texas Construction in the amount of $140,949. Mr. Hager stated that the Street Department budgeted funds in order to accomplish this project within their operating budget.

Motion was made by Councilmember and seconded by Councilmember that the bid of East Texas Construction in the amount of $140,949 for the North Street drainage improvements be approved as submitted.

13d. **BID - APPROVED - LOADER - WATER POLLUTION CONTROL - CONLEY LOTT NICHOLS MACHINERY**

Mayor Bronaugh stated that the next item for consideration was bids for a loader to be used in the Water Pollution Control Department.

Mr. Hager stated that staff received two bids for this item and is recommending the low bid of Conley Lott Nichols Machinery in the amount of $19,397.60. Mr. Hager stated that $25,000 had been budgeted for this item.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that the bid of Conley Lott Nichols Machinery in the amount of $19,397.60 for a loader to be used at the Water Pollution Control Department be approved as submitted. A unanimous affirmative vote was recorded.

13e. **BID - APPROVED - FENCING - GIRL'S SOFTBALL ASSOCIATION - SOUTHLAND FENCE COMPANY**

Mayor Bronaugh stated that the next item for consideration was fencing for the Girl's Softball Fields at Morris Frank Park.

Mr. Hager stated that staff is recommending the low bid of Southland Fence Company in the amount of $29,925. Mr. Hager stated that $30,000 had been budgeted for this item.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that the bid of Southland Fence Company in the amount of $29,925 for fencing at the Girl's Softball Fields at Morris Frank Park be approved as submitted. A unanimous affirmative vote was recorded.

14. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 7:08 p. m. to enter into Executive Session. Regular Session reconvened at 7:37 p. m. and Mayor Bronaugh stated that appointments to the Comprehensive Plan Update Steering Committee and real estate had been discussed.

15. **COMMENTS**

Councilmember Bowman reminded Council that House Speaker Pete Laney will speak at the February 11th DETDA meeting at Crown Colony.

Mayor Bronaugh stated that the City will be receiving an award at the First Friday luncheon February 4th and encouraged all who could to attend.

16. There being no further business for consideration, meeting adjourned at 7:38 p.m.

Louis Bronaugh
Mayor

ATTEST:

Atha a Martin
Atha Stokes Martin - City Secretary