

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF OCTOBER, 1987, AT 5:00 P.M.

On the 6th day of October, 1987, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Pat Foley	Mayor pro tem
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Jack Gorden, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ron Wesch	Public Works Director
Atha Stokes	City Secretary

being present, and

Pitser H. Garrison	Mayor
Nicholas Finan	City Planner

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Clark Rivas, Minister, Bethel Church of the Nazarene, Lufkin.
2. Mayor pro tem Foley welcomed visitors present and recognized the Leadership Lufkin class with 20 members in attendance.

3. APPROVAL OF MINUTES

Minutes of regular meeting of September 15, 1987 were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. SPEED ZONE CHANGE - APPROVED - CHAMPIONS DRIVE

Mayor pro tem Foley stated that the first item for consideration was an Ordinance changing the school zone for Anderson Elementary School on Champions Drive.

City Manager Westerholm stated that the school has experienced some problems with speeding through the school zone, and that the Police Department has recommended lengthening the school zone southeast along Champions Drive to give a longer warning to the traveling public of the crosswalk.

There was no opposition present.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

5. SEWER CONNECTION REQUEST - DENIED - JACK R. CARTER

Mayor pro tem Foley stated that the next item for consideration was a request by Jack R. Carter for permission to attach to an existing sewer line in Thousand Oaks Addition. Mayor pro tem Foley stated that he had been advised that Mr. Carter was unable to attend tonight's meeting, and that the request would be represented by Dick Lambing.

In response to question by Commissioner Gorden, Mr. Lambing stated that Mr. Carter is in the process of buying 5.5 acres in the Thousand Oaks Addition from Rufus Duncan.

In response to question by Mayor pro tem Foley, Mr. Lambing stated that he was not aware if Mr. Carter had contacted Angelina County/Cities Health Unit in regards to installing a septic system on the property.

City Manager Westerholm stated that the City has enforced a moratorium against adding additional sewer connections to the existing lift station in the Thousand Oaks Addition and that there had been no exceptions. City Manager Westerholm stated that the initial request was for sewer service to accommodate 40 homes in the Thousand Oaks Addition, but ultimately had been limited to 80 homes because the lift station could not handle any heavier load. City Manager Westerholm stated that an official agreement had been signed by Rufus Duncan at that time.

In response to question by Commissioner Louis Bronaugh, Public Works Director Ron Wesch stated that the lift station is working well at this time and could probably accommodate as many as six additional homes without any problems.

Commissioner Louis Bronaugh stated that he was not in favor of granting the request because of the precedence it would set.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Louis Bronaugh that request by Jack R. Carter be denied. A unanimous affirmative vote was recorded.

6. RECYCLING CENTER SITE - TABLED - ANGELINA BEAUTIFUL/CLEAN

Mayor pro tem Foley stated that he had been advised that Rufus Duncan, Jr. had called and asked that the request from Angelina Beautiful/Clean for placing a recycling center at the proposed Southview Park be tabled indefinitely.

Commissioner Simond stated that as long as the City delays putting a park at the site, there will always be someone wanting to use the grounds for some other project.

Mayor pro tem Foley stated that he understood that the staff had some recommendations for this site which were to be placed on the agenda for consideration at the next meeting. Mayor pro tem Foley stated that a drawing for the proposed park site had been included in the Commissioner's packets which were distributed Friday.

7. WATER DISTRIBUTION STUDY - TABLED

8. SURPLUS WATER WELLS - TABLED - FULLER SPRINGS WATER SYSTEM

10. COOPERATIVE EFFORTS FOR FUTURE WATER NEEDS - DISCUSSED

Mayor pro tem Foley stated that since Items 7, 8, and 10 on the Agenda were all related to the City's water system, he would like for them to be discussed as one item if the members of the Commission had no objections. Mayor pro tem Foley stated that Item 7 is to consider authorizing the Water Distribution Study as proposed March 17, 1987, Item 8 is to consider authorization to sell surplus water wells from the Fuller Springs Water System, and Item 10 is to consider cooperative efforts for future water needs of the area.

Commissioner Simond stated that he objected to the City paying money for water and water studies when a study had been done by Temple-Eastex four or five years ago.

Mayor pro tem Foley stated that Temple Associates and others since then had done a study on the City's water supply and studies had been made on where to go for future water needs, but a study has not been made on a water distribution system. Mayor pro tem Foley stated that he assumed that the City Manager had placed the Water Distribution Study on the Agenda because it had been approved for this year's budget.

In response to question by Commissioner Simond, City Manager Westerholm stated that \$35,000 had been set aside in the budget for the study.

Mayor pro tem Foley stated that the reason he wanted to discuss all three items at the same time is because he has learned that the City of Huntington is beginning an application for a grant for a study of an area water system. Mayor pro tem stated that the distribution study will allow the City to bring more water into the present system if there are improved lines going across the City.

In response to question by Mayor pro tem Foley, City Manager Westerholm stated that the City has well capacity for 12 million gallons of water per day, but the pumping system can only accommodate 9 1/2 to 10 million gallons per day.

Mayor pro tem Foley stated that the prison system which is looking for future sites to locate has a water requirement of 1 million gallons per day. Mayor pro tem Foley stated that if the prison decided to locate in or near the City of Lufkin, the City would not be able to supply their water needs. Mayor pro tem Foley stated that the prison would hire between 500 and 700 employees and would have a great economic impact on the City if it located here. Mayor pro tem Foley stated that since the study is beginning in the Huntington area and several other entities are participating in it, it was his opinion that the City should consider either joining or seeing if there is an interest from other entities in the area to join with Lufkin. Mayor pro tem Foley stated that there might be grant monies available for the Water Distribution Study if the City joins in with the other entities on this effort for future water needs of this area.

Commissioner Simond stated that Mayor pro tem Foley had mentioned block grants and it appeared to him that the City of Nacogdoches and Angelina County are more successful in obtaining block grants than the City of Lufkin.

Commissioner Simond stated that there are sections in the City that would not be able to carry water if it was available, namely in North Lufkin. Commissioner Simond stated that, in his opinion, water lines in North Lufkin should be given some consideration since most of them are at least 50 years old.

Mayor pro tem Foley stated that there are areas around town where there are problems with the lines and it will be quite a big job to re-do the lines, which will probably necessitate a bond election. Mayor pro tem Foley stated that when the City does rework the lines, the Water Distribution Study will bring more water into the City of Lufkin than is being brought in at the present time.

Commissioner Boyd stated that last week while firefighter's were attempting to put out a house fire at North and Culverhouse, two water mains in that general area burst. Commissioner Boyd stated that the day after the fire, two water leaks developed on Culverhouse, and, in his opinion, it doesn't make sense to bring in more water when it will be wasted. Commissioner Boyd stated that money spent on repairing the pipes could have paid for a whole new system.

Commissioner Roper stated that it was his understanding that a portion of the Water Distribution Study would identify this type problem.

Billy Sims stated that it appears that there has been some misunderstanding as to the purpose of the Water Distribution Study. Mr. Sims stated that this is not a study to bring water into the City, it is a study to look at the existing water lines inside the City to determine what improvements were needed and would include North Lufkin. Mr. Sims stated that the study would determine if the lines were adequately sized so that good service can be provided with adequate volume and pressure, and also if adequate fire protection is available to all parts of the City.

Commissioner Boyd stated that the Water Distribution Study was good, but, in his opinion, it is already known where the problems are. Commissioner Boyd stated that more money is wasted on doing studies and not doing the job to correct the problem when the studies are completed.

In response to question by Mayor pro tem Foley, Mr. Sims stated that it was his impression that the City wanted to improve the internal system before bringing in water. Mr. Sims stated that when the Water Supply Study was completed, there was a brief analysis done of the distribution system that identified several million dollars worth of work that needed to be done, but it was not a detailed study of the distribution system. Mr. Sims stated that \$25-30,000 to do such a study is money well spent to insure that you spend the money wisely and don't get lines installed that are too small or too large and waste money having to re-do the lines again. Mr. Sims stated that when the Commission considered the Water Supply Study, it appeared from what was discussed that this would be the first step the City would want to take so that when they did decide to take in water from Rayburn, it would have the ability to get it out to the users in the City.

Commissioner Simond stated that he wouldn't have voted for the raise in water and sewer fees if he had known that no work was going to be done on the water lines in North Lufkin.

In response to question by Mayor pro tem Foley, Jimmy Griffith stated that the City of Huntington, City of Diboll, M & M Water Supply Corporation, Burke Water Supply Corporation, Redland Water Supply Corporation, Lufkin Industries Trailer Division and Owens-Illinois Development Corporation have all agreed to participate in the area-wide study that would basically address the water needs of Angelina County outside the City of Lufkin. Mr. Griffith stated that for those entities participating in the study, a more in-depth look will be taken of their distribution systems to see how they would be able to receive the water that would be pumped into them from the lake. Mr. Griffith stated that there is an application with the Texas Water Development Board at this time which is in the process of being amended to address new regulations that have just come out. Mr. Griffith stated that it is his understanding that water distribution analyses are necessary in order to determine whether there is a possibility of transfer water, and the cost effectiveness of it, and how a system will receive the water is all considered part of the grant. Mr. Griffith stated that these are 50% grants on a match basis and are due December 1st, and will be granted on a prioritized basis.

In response to question by Mayor pro tem Foley, Mr. Griffith stated that he had been working with the Lower Neches Valley Authority and the Corp of Engineers in order to ascertain what kind of water might be available from Sam Rayburn. Mr. Griffith stated that initially there is a 2,800 acre feet supply that is available right now and an additional approximate 11,500 acre feet that can be made available by varying the pool elevation by the lake by 1/10th of a foot.

In response to question by Mayor pro tem Foley, Mr. Griffith stated that the point you are picking up water on the lake is dictated to a large degree by the quality of water in the lake. Mr. Griffith stated that studies have indicated that you will have to move down stream of Hanks Creek to have a satisfactory water quality.

In response to question by Mayor pro tem Foley, Mr. Griffith stated that, in his opinion, there might be some initial reluctance, but if it appeared that it would be in the best interest of all concerned monetarily and otherwise to join in with the City of Lufkin, the other entities would do so. Mr. Griffith stated that, in his opinion, it would be to their best interest to participate with the City of Lufkin.

In response to question by Mayor pro tem Foley, City Manager Westerholm stated that he had visited with Billy Sims in regards to figuring the costs for water samplings from Sam Rayburn. City Manager Westerholm stated that two years of samplings would be advisable to determine the quality of the water.

In response to question by Mayor pro tem Foley, Billy Sims stated that, in his opinion, once a "take point" is determined the City would have to go through a legal process to get the right to take water from Sam Rayburn at that point, and the right to get the amount the City has purchased from Rayburn. Mr. Sims stated that the City, at this point owns the water, but does not have the right to take it out. Mr. Sims stated that the legal process to secure the rights to the water should not begin until water samplings had been taken for at least three years to make sure that the location is suitable.

Mayor pro tem Foley stated that since there appears that there is some interest in working with the other entities in the area on the water issue, it might be a good idea to postpone the Water Distribution Study and the sale of the surplus water wells in Fuller Springs until it could be determined to what degree the City wants to participate.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that the City contact the other water users in the area to determine if there is some interest on their behalf in participating in an area wide water system and that the Water Distribution Study and the sale of the surplus water wells from the Fuller Springs Water System be postponed at this time. A unanimous affirmative vote was recorded.

9. BID - APPROVED - POLICE DEPARTMENT VEHICLES - ANGELINA CHEVROLET

Mayor pro tem Foley stated that the next item for consideration was bids for vehicles for the Police Department.

City Manager Westerholm stated that bids had been received from Angelina Chevrolet and Barrett Motors. City Manager Westerholm stated that Barrett Motors had submitted the low bid but the Chief preferred the higher bid because some of the vehicles failed to meet specifications on the low bid.

Commissioner Simond stated that in essence the City had only one bid, and, in his opinion, a favorable comparison could not be made.

In response to question by Commissioner Simond, City Manager Westerholm stated that it was his understanding that the bid to Lufkin Ford had been forwarded to Nacogdoches. City Manager Westerholm stated that Al Meyer Ford Company was aware of the bid because Officer David Carter had been working with Jeff Baker, a representative of that company.

In response to question by Commissioner Simond, Angelina Chevrolet salesman, Mike Isham, stated that the Chevrolet Caprice comes in three different models: Caprice, Caprice Classic and Caprice Brougham and the top of the line car would be the Caprice Classic, and the Police Department will be getting the Caprice.

In response to question by Commissioner Gorden, Chief Sherman Collins stated that he would like to clarify the situation with the bids. Chief Collins stated that the Department requested bids for three different types of vehicles for the Police Department fleet - nine pursuit vehicles, three basic transportation vehicles and one prisoner transport van. Chief Collins stated that the specifications were mailed to the street address of these dealers. Chief Collins stated that Officer David Carter had visited with the Ford Company sales people to explain the specifications the department had asked for.

Chief Collins stated that, in his opinion, the reason Chrysler does not meet the bid specifications on the pursuit cars only is the engine size. Chief Collins stated that the specifications called for a 350 CID engine for the pursuit vehicles and Chrysler is not bidding an engine this year beyond the 318 model.

Chief Collins stated that the trend is toward faster, peppy, turbo charged engines and the department felt like the 350 engine was needed in the pursuit vehicles.

In response to question by Commissioner Bronaugh, Chief Collins stated that the department will keep some of the '86 vehicles for detectives and staff personnel.

Chief Collins stated the specifications he submitted to Purchasing Agent David Cochran did not reflect the specifications that he sent out to dealers. Chief Collins stated that he had asked Mr. Cochran to request bids on vehicles with 350 CID engines with four barrel carburation or a V8 engine with a closed circuit fuel injection system to compensate for the difference, and if the bid specifications had gone out like that, Ford would have qualified.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond that bid of Angelina Chevrolet of \$113,916.33 for nine pursuit vehicles, \$36,844.47 for three basic units and \$14,459.92 for one prisoner transport van be accepted in accordance with Chief Collin's recommendations. A unanimous affirmative vote was recorded.

In response to question by Commissioner Roper, City Manager Westerholm stated that \$184,000 had been budgeted in the Personal Finance Contract for the vehicles, and that the total amount for the vehicles was \$165,220.72.

11. ICE CREAM VENDOR - REQUEST DENIED - DELIGHT WHOLESALE COMPANY

Mayor pro tem Foley stated that the next item for consideration was a request from Delight Wholesale Company concerning ice cream vending on City streets.

Mayor pro tem Foley recognized John Smith, representative of Delight Wholesale Company, who stated that his company is the largest ice cream vendor in the nation and that they were the leader in safety standards in their industry. Mr. Smith stated that their vehicles are 100% safe, and the driving records of all drivers are checked thoroughly. Mr. Smith stated that their trucks are clean and sanitary and that products are prepackaged to insure maximum freshness and contamination free products. Mr. Smith stated that his company is based in Dallas and has been operating in Nacogdoches and Diboll and

other outlying areas. Mr. Smith stated that he would like to have a maximum of three trucks operating in Lufkin.

In response to question by Mayor pro tem Foley, City Attorney Bob Flournoy stated that the City has an Ordinance which specifically prohibits the sale of any merchandise from the City streets, and it is primarily for reasons of safety.

In response to question by Commissioner Boyd, City Attorney Flournoy stated that in the sample ordinance of Dell City, Oklahoma submitted by Mr. Smith, it is suggested that the ice cream truck be treated like a school bus and when it stops to make a sale, traffic is stopped in both directions. City Attorney Flournoy stated that he is concerned that this would present a traffic problem and would also attract small children.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Louis Bronaugh that request allowing ice cream vendor, Delight Wholesale Company, to sell on City streets be denied.

The following vote was recorded: Aye - Commissioners Louis Bronaugh, Percy Simond, Danny Roper, Jack Gorden and Mayor pro tem Pat Foley. Nay - Commissioner Don Boyd.

Mayor pro tem Foley declared motion carried by a vote of 5 to 1.

12. BOARD APPOINTMENTS - APPROVED - PLANNING AND ZONING COMMISSION - HEATING, AIR CONDITIONING AND MECHANICAL REFRIGERATION BOARD

Mayor pro tem Foley stated that with the consent of the Commission, the appointments of the Planning and Zoning Commission and the Heating, Air Conditioning and Mechanical Refrigeration Board could be decided without adjourning to Executive Session.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Robert McGee be reappointed to a three year term on the Planning and Zoning Commission, and that Richard Gardemal be reappointed to the Heating, Air Conditioning and Mechanical Refrigeration Board for a three year term. A unanimous affirmative vote was recorded.

13. TML RESOLUTIONS - TEXAS FLAG - STREET SIGN - TML CONFERENCE

Commissioner Louis Bronaugh stated that a copy of the Resolutions to be voted on at the annual TML Conference had been passed out to each Commissioner for their review prior to attending the conference.

Commissioner Simond stated that he had been approached by a citizen with a request that a Texas Flag be placed along with the U. S. Flag at City Hall. City Manager Westerholm stated that this request would be taken care of.

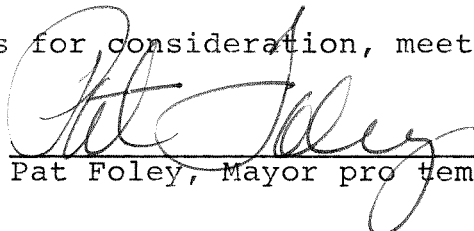
Commissioner Simond stated that the street sign at the end of his street was unreadable and he would like to have it replaced.

City Manager Westerholm stated that he would like to remind the Commissioners of the invitation from the Friends of the Zoo to a reception at 7 P.M., and also of the TML Conference in Fort Worth Thursday through Saturday.

14. There being no further business for consideration, meeting adjourned at 7:05 P.M.

ATTEST:


Atha Stokes, City Secretary


Pat Foley, Mayor pro tem