

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
10TH DAY OF FEBRUARY, 1999 AT 12:00 NOON P. M.**

On the 10th day of February, 1999 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
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Betty Jones	Councilmember, Ward No. 3
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth Williams	Director of Public Works

being present, and

Bob Bowman	Councilmember, Ward No. 4
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being absent when the following business was transacted.

1. Meeting was opened with prayer by City Manager C. G. Maclin.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that the minutes of the Regular Meeting of January 19, 1999 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - COMPREHENSIVE ZONING ORDINANCE REVISIONS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise the Comprehensive Zoning Ordinance.

City Manager Maclin stated that this Ordinance, sent to Council by the Planning &
2/10/99

Zoning Commission as a rewrite of the comprehensive Zoning Ordinance to make it more user-friendly and more understandable to meet the needs of the citizens, was discussed at last meeting. City Manager Maclin stated that the new Ordinance also includes a Landscape Ordinance that was discussed at length, and most of the comments made at the last Council meeting were very positive in support of this recommendation from the Planning & Zoning Commission.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Ordinance to revise the Comprehensive Zoning Ordinance with the changes as recommended by the Planning & Zoning Commission, be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - BACK-FLOW DEVICES - REQUIREMENT OF EPA

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for back-flow devices as required by the EPA.

City Manager Maclin stated that this is the Ordinance that the City is using to meet compliance for the EPA to protect the City's potable water supply by having appropriate back-flow devices installed to keep water from backing into the City's drinking supply system.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Don Boyd that Ordinance for back-flow devices as required by the EPA be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. DRAINAGE REPORT - PHASE II - APPROVED - DODSON & ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was Phase II of the Drainage Report by Duane Barrett.

City Manager Maclin stated that since the Council embarked upon the implementation two and one half years ago of a master drainage study and a comprehensive drainage report along with trying to identify drainage control measures that could be built on the near term to have the greatest impact for flood control for the least dollar spent, staff has been progressing through all the watersheds in the City. City Manager Maclin stated that the first phase was basically the Cedar Creek area that went from central north Lufkin to the southwest corner of the community. City Manager Maclin stated that this study will be looking at Hurricane Creek and its related areas as part of Phase II, and today Duane Barrett from Dodson & Associates, who is the consulting firm preparing the City's master drainage study, will make a presentation to Council.

Mr. Barrett stated that he would be talking about two of the City's watersheds, Hurricane Creek and Mill Creek. Mr. Barrett stated that these watersheds are in the central portion of Lufkin and the northern portion of Lufkin. Mr. Barrett stated that the study he will bring today has been summarized in two preliminary reports, which will be available for Council review immediately following this presentation. Mr. Barrett stated that he would also be available to answer questions.

Mr. Barrett stated that the presentation today is for the proposed drainage plans for the Hurricane and Mill Creek watersheds. Mr. Barrett stated that these plans were developed by Dodson & Associates in cooperation with EGA, a local Lufkin firm. Mr. Barrett stated that the portion of the Hurricane Creek watershed that has been included in the study covers approximately 12.17 square miles and includes some incorporated areas in Angelina County as well as much of the incorporated areas of the City of Lufkin. Mr. Barrett stated that he had incorporated into the study analysis of seven major tributaries, five of which drain into Hurricane Creek from the east and two from the west. Mr. Barrett stated that the upstream portion of the Hurricane Creek watershed is pretty heavily developed, however there is still quite a lot of undeveloped area in the central and southern portions of the watershed. Mr. Barrett stated that there is still a lot of potential for new development in the Hurricane Creek watershed.

Mr. Barrett stated that Mill Creek watershed is in the north central portion of Lufkin, and includes some areas in Angelina County as well as incorporated areas of Lufkin. Mr. Barrett stated that the Mill Creek watershed consists of a branching system upstream of Ellen Trout Lake. Mr. Barrett stated that the watershed area includes Jones Lake, Lake Myriad, the lake at the Lufkin Country Club, areas on the north Loop, and Highway 69 in the northern sections of the City of Lufkin. Mr. Barrett stated that the watershed of Mill Creek is moderately developed at this time, with quite a lot of potential for future development.

Mr. Barrett stated that existing drainage systems in the area are characterized in terms of major creeks and tributaries by urban channels, the side slopes are fairly steep, and in many areas there are some erosion problems. Mr. Barrett stated that for the most part, they are fairly natural stream channels. Mr. Barrett stated that local drainage systems are predominately open ditch systems, street gutter drainage, and some storm sewer systems in the watersheds, and lots of natural gullies that receive run-off and carry them down to more significant streams. Mr. Barrett stated that at the present time there are few detention facilities in town, most of them built within the last few years, but for the most part, not a lot of detention.

Mr. Barrett stated that in recent years, at least since 1994, there have been a number of rainfall events that have created anything from street flooding to some flooding of homes in certain portions of the City. Mr. Barrett stated that the October, 1994 flood was probably the storm with the greatest total rainfall, however, the City did not experience a lot of flooding of homes and businesses then because the rainfall was spread out over a two to three day period. Mr. Barrett stated that in March of

1995 there were two very severe storms of short duration within a week of each other and there was a lot more flooding of homes and businesses than was experienced in the October 1994 flood.

Mr. Barrett stated that the objectives of the study being completed by Dodson & Associates and EGA are to investigate the causes of the flooding and to update the flood insurance status of the City of Lufkin for Mill Creek, Hurricane Creek, and the various tributary streams to expand that original study to include some additional streams that heretofore have not been studied, to develop a long term drainage plan (10-15 years into the future), and then to develop a near term (interim) drainage plan that will be implemented over the next two to five years.

Mr. Barrett stated that the results of their update of the flood insurance study for the City indicated that there are some areas in which 100 year flood levels increased. Mr. Barrett stated that flood plains are wide along Hurricane Creek, some of the other major creeks and some of the tributaries. Mr. Barrett stated that there is a greater total area within the 100 year flood plain largely because areas have been studied that were not included in previous flood insurance studies around the City. Mr. Barrett stated that overbank flooding (flooding that is outside the channel) tends to begin for a five year event (an event that has a 20% chance of occurring in any particular year). Mr. Barrett stated that the results of their study are pretty consistent with what they have heard in terms of flooding reports from recent storm events. Mr. Barrett stated that, in his opinion, the results of the study are very valid.

Mr. Barrett stated that given the fact that there are flood prone areas in Lufkin, they have looked at a long term drainage plan with the following goals in mind. The first goal is to prevent any worsening in existing flooding problems. The second goal is to reduce the severity and the frequency of flooding in these watersheds. Mr. Barrett stated that the third goal is to provide as best as possible for future development in these watersheds; to have a plan for how future development will be handled and accommodated without worsening flooding while providing adequate drainage for the new developments. The final goal is to provide recreational and environmental benefits wherever possible as a part of the drainage plans.

Mr. Barrett stated that the types of drainage improvements they considered for inclusion in the plans include channelization of existing streams, replacement of small, older, inadequate cross drainage structures at roadways, the implementation of on-site detention policies for some areas in these watershed for new development in the future, and regional detention facilities for temporarily storing storm water to reduce downstream flooding.

Mr. Barrett presented drawings of the various types of drainage improvements: Channelization is a method of deepening and widening the existing channel to carry more water, to increase the flow capacity of the channel itself thereby reducing

the flood level, and the amount of flood plain out in overbank areas of the flood plain. Replacing cross structures at roadways simply would call for replacing an older, smaller culvert or bridge with a larger culvert or bridge structure, reducing the existing flood level, bringing it down to a lower level. Detention refers to a temporary storage of flood waters (a picture of a hydrograph was shown).

Mr. Barrett stated that channelization is a good way to reduce flood levels, and has a very direct effect, and is fairly efficient, however it requires substantial right-of-way. Mr. Barrett stated that right-of-way acquisition sometimes is very complicated because of the number of properties that have to be acquired because of channels being long, narrow corridors. The long term maintenance would have to be taken on by the City of Lufkin, and in almost every case when a stream is channelized, it tends to increase the rate of flow in downstream areas. If not done carefully and properly you can in effect shift a flood problem from one area down to another area. Mr. Barrett stated that it is difficult to get any recreational or environmental benefit from a channelization project, in fact, very often you end up having the damage to existing wetlands areas that has to be compensated in many cases. Mr. Barrett stated that, to sum up channelization, it has a very beneficial effect on flood levels, a very direct effect, but standing alone, it is not a solution that can be done real easily in a number of situations.

Mr. Barrett stated that replacing existing roadway structures again can have a beneficial effect by reducing the amount of water that backs up on the upstream side of a roadway crossing. The benefits very often extend only to that local flooding. Mr. Barrett stated that there are times when you are doing channelization that you will have to do some roadway crossing structure improvements so that the capacity of the road crossings are consistent with the capacity of the stream channels. Mr. Barrett stated that replacing structures in some cases can result in increases in downstream flow rate; basically, it is the concept of pulling the plug out of the bottle and letting water move down stream a little more quickly. Mr. Barrett stated that one possible advantage may be sharing the costs of some of these structural replacements with the Texas Department of Transportation.

Mr. Barrett stated that on-site detention refers to detention that is done on a particular development site. Mr. Barrett stated that currently there are a couple of these facilities under construction in Lufkin on some of the smaller sites. Mr. Barrett stated that on-site detention is something that is done by a developer or an individual or property owner to compensate for the increase in flow that would occur as a result of the development of a particular piece of property. Mr. Barrett stated that typically it takes about five to ten percent of a piece of property to provide an adequate detention facility. Mr. Barrett stated that it is possible in some smaller sites to do detention underground by placing a large number of storm sewers or pipes but for the most part they are done as surface sites. Mr. Barrett stated that the responsibility of on-site detention is placed on the individual developer or property owner. The effectiveness of on-site detention in some cases can be diminished when you have lots of the smaller facilities, because they do not work together. Mr.

Barrett stated that there are possibility some recreational benefits. but they are fairly limited to local property. Mr. Barrett stated that on-site detention, although it helps to prevent any increase or worsening of flooding, really doesn't help to mitigate or abate existing flooding problems.

Mr. Barrett stated that regional detention refers to large facilities that provide detention storage for multiple developments, multiple properties, possibly as large as several hundred acres. They do require a significant amount of land; however, land acquisitions are more concentrated. The City would control the development, construction on the detention site, and is responsible for maintenance. Regional sites can be designed to contribute to the abatement of existing flooding problems. Mr. Barrett stated that the potential for environmental and recreational benefits are much greater with regional detention than they are for on-site detention or channelization.

Mr. Barrett stated that as far as the approach that he has taken to a long term drainage plan for the Hurricane and Mill Creek watersheds, they have put regional detention as their number one item on the list to try to identify and develop regional detention sites to the greatest extent possible, since regional detention seems to have the most benefit and the fewer amount of problems associated with them. Mr. Barrett stated that they will replace a limited amount of existing roadway structures only in cases where those structures do not have capacity that is consistent with other structures upstream and downstream or where those structures are in poor physical condition. Mr. Barrett stated that some channelization has been included in the plan, only though where it is needed to mitigate existing flooding problems and there is significant amount of developed area within those flood plains.

Mr. Barrett stated that the recommended improvements for the Hurricane Creek watershed include a total of eight regional detention sites. Four of the basins can be developed simply by constructing a dam across a natural stream valley and impounding water in that natural storage that is created on the upstream side of the dam. Mr. Barrett stated that four other basins may require some excavation in the future to help compensate for future development. That excavation can be funded by developers as they develop property and utilize these regional facilities in lieu of on-site detention on a particular piece of property. Mr. Barrett stated that they have called for channelization along Hurricane Creek from Loop 287 upstream to Denman. Mr. Barrett stated that they are also calling for a couple of by-pass channels, which are simply shallow channels that tie into an existing stream channel at each end.

Mr. Barrett presented a slide showing some of the recommended improvements.

Mr. Barrett stated that as far as the Mill Creek watershed they have looked at three detention basins, two with some future excavation to provide for future development and to maintain an adequate amount of detention storage in those

basins; channelization in some limited areas of the upstream region. Mr. Barrett showed a map of the Mill Creek watershed.

Mr. Barrett stated that they have looked at four options for channelization around the watersheds, especially the Hurricane Creek watershed. Mr. Barrett stated that they have looked at improving one side only, looked at an excavated shelf improvement along Hurricane Creek itself, and finally looked at a by-pass channel in which they actually construct a new shelf some distance removed from the existing channel and will tie in with the existing channel at upstream and downstream points.

Mr. Barrett stated he would like to point out that implementation of these plans will not totally eliminate flooding in Lufkin, but they will reduce existing flood levels, they will reduce the frequency of flooding and the severity of flooding, and increase the level of flood protection. Mr. Barrett stated that they will provide for full development of watersheds without making flooding problems worse. Mr. Barrett stated that multi-use development of regional detention sites will result in an increase in recreational benefits and environmental benefits. Mr. Barrett stated that the costs are maintained at reasonable levels. Mr. Barrett stated that they tried not to come up with a plan that just could not be funded.

Mr. Barrett stated that estimated land costs and construction costs for Hurricane Creek, the biggest item being the regional detention at \$9.4 million. Channelization at \$3.5 million, for a total of \$12.9 million for Hurricane Creek spread out over a 10-15 year period.

Mr. Barrett stated that Mill Creek drainage improvement regional detention is \$3.8 million, channelization at \$200,000, crossing structures at \$140,000, for a total of \$4.2 million.

Mr. Barrett stated that for interim drainage improvements they recommend that three detention sites in Hurricane Creek watershed be developed, basin 1, basin 4 and basin 8. In the Mill Creek watershed they recommend one site, basin 2, that land be acquired and that site be developed. Mr. Barrett stated that they would recommend the initiation of the replacement of some crossing structures around town. Mr. Barrett stated that for the near term, or interim drainage improvements, cost estimates are approximately \$2.8 million for Hurricane and \$1.6 for Mill Creek, for a total of \$4.4 million over the next two to five years.

In response to question by City Manager Maclin, Mr. Barrett stated that there is no channelization in the near term improvements.

In response to question by Councilmember Gorden, City Manager Maclin stated that the cost for detention ponds on the west side of town is \$1.8 million for a 35 acre pond on Old Union and a 35 acre pond on Lotus Lane.

In response to question by Councilmember Gorden, Mr. Barrett stated that he is recommending that the City maintain the channels as best as possible. Mr. Barrett stated that where they are recommending channelization the City will be acquiring a right-of-way they will have access to at any time and they should be able to go in and maintain those channels without any access problems. Mr. Wright stated that in most cases the City does not have right-of-way or easement to the channels. Mr. Wright stated that the City has limited access to a lot of the stream channels.

Mr. Barrett stated that one thing to keep in mind is the fact that just about every significant stream channel here in Lufkin is subject to regulation by the US Army Corps of Engineers. Mr. Barrett stated that for this phase of the study they had a wetlands specialist who walked the stream channels and basically informed him that every one will be subject to Section 4.04 regulation, and can even extend to some maintenance activities.

In response to question by Councilmember Jones, City Manager Maclin stated the State would likely be agreeable to participating in some of the projects that include State highways if the City provided the funds.

City Manager Maclin stated that what staff would like to request as Council consideration today is that this report be given to the Drainage Study Committee that Council appointed a couple of years ago, which will take place tomorrow. After the Drainage Study Committee has had a chance to review the information, have them make a report back to Council with their recommendations. City Manager Maclin stated that if Councilmembers wanted further explanations or answers to questions, or to meet with the neighborhood association in their wards, staff can make those arrangements with Mr. Barrett or Mr. Wright. City Manager Maclin stated that there will have to come a point in the future from a Capital Improvements standpoint where City Council will have an opportunity to rank these priorities and set forth a financial commitment that would see some of these projects become a reality.

7. ORDINANCE - APPROVED - FIRST READING - CITY ELECTION - ESTABLISHING POLLING PLACES - SETTING ELECTION DATE

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance providing for the calling of a City Election, establishing polling places and setting a date for the election.

City Manager Maclin stated that now is the appropriate time by the State election law calendar for the Council to call for the election as required by the City Charter. City Manager Maclin stated that positions five and six will be up for election this year. City Manager Maclin stated that the date for the election by law will be Saturday, May 1.

Motion was made by Councilmember Don Boyd and seconded by Councilmember

R. L. Kuykendall that Ordinance providing for the calling of a City Election, establishing polling places and setting May 1, 1999 as the date for the election be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - EMERGENCY READING - TU ELECTRIC - TIME OF USE RATE OPTIONS

Mayor Bronaugh stated that the next item for consideration was an Emergency Reading of an Ordinance for approval of three TU Electric time-of-use rate options that would be available to residential, commercial, and industrial customers within the City limits.

City Manager Maclin stated that included in the Council packet is a letter of request from Bob Brown of TU Electric along with support materials requesting Council consideration for the approval of time of use rates and related changes to their rate structure. City Manager Maclin stated that the Ordinance on first draft is calling for an emergency reading of the Ordinance, which would give TU the opportunity to offer this to their customers before the summer begins.

Mr. Brown stated that his company has filed with the Public Utility Commission of the State of Texas some rates with four different brackets of time. Mr. Brown stated that the PUC has given an interim approval of this request, and there are some customers already on this plan. Mr. Brown stated that since the City of Lufkin retains original jurisdiction over their rates, they are asking Council to go ahead and approve the rates and give them the opportunity to visit with their customers who think that they would in fact be interested. Mr. Brown stated that there has been a public notice in the newspaper the last four weeks that TU has filed these rates. Mr. Brown stated that this program is totally voluntary.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember R. L. Kuykendall that the Emergency Reading of an Ordinance for approval of three TU Electric time-of-use rate options that would be available to residential, commercial, and industrial customers within the City limits be approved on First and Final Reading as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - MIS SOFTWARE FINANCING - TOBYNE & ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was a Resolution for financing the MIS Software.

City Manager Maclin stated that this a follow-up that was discussed at the last Council meeting for the lease purchase financing of the City's computer hardware and software necessary for the City to be Y2K compliant, and also to upgrade some

capabilities of several of the City departments. City Manager Maclin stated that the interest rate through Tobyne & Associates would be 4.38%.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Resolution for financing the MIS Software with Tobyne & Associates at an interest rate of 4.38% be approved as presented. A unanimous affirmative vote was recorded.

10. CONTRACT - APPROVED - RISK MANAGEMENT RELATING TO WATER AND SEWER PLANTS - ALAN PLUMMER

Mayor Bronaugh stated that the next item for consideration was a contract with Alan Plummer for risk management relating to water and sewer plants.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer addressing this issue along with a letter of proposal from Alan Plummer & Associates, with an attachment of services. City Manager Maclin stated that the Federal agency, EPA, has passed a requirement that cities that have water and sewer facilities have to perform risk management studies on potential hazards for the release of chemicals. City Manager Maclin stated that in order to have what in essence would be a crisis action plan should the City have a spill, we have to have a document on file for EPA review as part of our permitting process basically at the Water Treatment Plant and the Wastewater Treatment Plant.

City Manager Maclin stated that Alan Plummer & Associates is a firm that specializes in assisting municipal government in risk aspects of EPA and TNRCC requirements. City Manager Maclin stated that the City has used this firm on previous occasions involving our permits and found them to be a very satisfactory firm for these types of services. City Manager Maclin stated that staff is requesting Council's consideration to enter into this contract at a fee of \$56,624.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Contract with Alan Plummer for risk management relating to water and sewer plants for a fee of \$56,624 be approved as presented. A unanimous affirmative vote was recorded.

11. BID - APPROVED - POLICE VEHICLES - TIPTON FORD - TOBYNE & ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was bids for Police vehicles.

City Manager Maclin stated that included in the Council packet is a bid tabulation and staff recommendation to award the low bid of Tipton Ford in the amount of \$215,760 for the purchase of 10 1999 Police vehicles and one one-half ton pickup. City Manager Maclin stated that the staff recommendation also includes the low bid

of Tobyne & Associates for financing the vehicles at an interest rate of 4.38%.

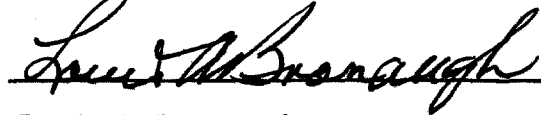
City Manager Maclin stated that the 11 trade in vehicles will be sold at auction and will be applied towards this cost, or added back into the City's general fund as revenue. City Manager Maclin stated that last year the City got a lot higher trade in value when we traded the cars into the dealer, but this year they did not offer near as much and staff thinks we might do better by selling the vehicles at auction.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the bid of Tipton Ford in the amount of \$215,760 for the purchase of new vehicles in the Police Department, and the low bid of Tobyne & Associates for financing the vehicles at an interest rate of 4.38% be approved as submitted. A unanimous affirmative vote was recorded.

12. COMMENTS

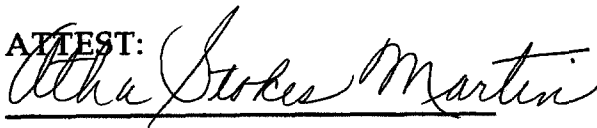
City Manager Maclin stated that the next meeting of the City Council would be held on Tuesday, February 16th at 5:00 p.m.

13. There being no further business for consideration, meeting adjourned at 1:28 p.m.



Louis A. Bronaugh
Mayor

ATTEST:



Atha Stokes Martin - City Secretary