

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
6TH DAY OF JANUARY, 1998 AT 5:00 P. M.**

On the 6th day of January, 1998 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:

Don Boyd
Percy Simond
Betty Jones
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Bob Flournoy
Atha Stokes
Keith Wright
Stephen Abraham
Kenneth R. Williams

Mayor pro tem
Councilmember, Ward No. 1
Councilmember, Ward No. 3
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
City Attorney
City Secretary
City Engineer
Director of Planning
Public Works Director

being present, and

Louis A. Bronaugh
Bob Bowman

Mayor
Councilmember, Ward No. 4

being absent when the following business was transacted.

1. Meeting was opened with prayer by City Attorney Bob Flournoy.
2. Mayor pro tem Boyd welcomed visitors present and recognized Lufkin High School government students Lora Laughlin, Johan Bursell and Sophia Lindquist.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of December 16, 1997 be approved as presented. A unanimous affirmative vote was recorded.

4. PRESENTATION OF CERTIFICATES - GARY L. BARTON - DEBRA CASSIDY

Mayor pro tem Boyd recognized Gary L. Barton and Debra Cassidy who recently received their Class A Wastewater Certificates. Mayor pro tem Boyd stated that only a very few individuals receive their Class A Certificate and the City Council and staff are proud of them for this accomplishment.

Mayor pro tem Boyd read the Certificates from the Texas Natural Resource Conservation Commission: "Gary L. Barton and Debra Cassidy have demonstrated acceptable labels of education, training, and experience in the operation of Wastewater Treatment Plants and is hereby issued this Class A Wastewater Treatment Plant Operations Certificate."

City Manager Maclin stated that to reiterate the difficulty in getting a Class A Certificate from the State of Texas, last year there were 76 people who took the test and only 30 of them passed for a passing grade of 39.5%. City Manager Maclin stated that a total of 46 certificates were issued last year in the whole State of Texas, and accumulative over the State of Texas there are only 759 people that have a current Class A Wastewater Certificate, which puts them in a special class by themselves and the City is very proud of them.

5. ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - FRATERNAL LODGE - APARTMENT, SPECIAL USE (NURSING HOME) - 504 N. JOHN REDDITT DRIVE - SAMUEL D. GRIFFIN, JR. - LUFKIN LODGE FOUNDATION

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance to grant a Special Use Permit for a Fraternal Lodge on property located in the "A, SU" Apartment, Special Use (Nursing Home) District located at 504 N. John Redditt Drive (Loop 287) generally located on the east side of N. John Redditt Drive approximately two blocks north of Frank Street (Highway 94) as requested by Samuel D. Griffin, Jr.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that Ordinance granting a Special Use Permit for a Fraternal Lodge on property located in the "A, SU" Apartment, Special Use (Nursing Home) District located at 504 N. John Redditt Drive (Loop 287) be approved on Second and Final Reading as presented.

Councilmember Weems recused himself from voting. Motion carried with four affirmative votes.

6. ORDINANCES - APPROVED - FIRST READING - ANNEXATION - ZONING CLASSIFICATION - CROWN COLONY SECTION VIII-B AND VIII-C

Mayor pro tem Boyd stated that the next item for consideration was the annexation and appropriate zoning classification for approximately 19.188 acres of land to be known as Crown Colony Section VIII-B and VIII-C, and generally located south of Champions Drive and south of Crown Colony Section VIII-A.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department and supplementary maps showing the property in question and the proposed zoning classification, plus colored photographs. City Manager Maclin stated that this request comes to Council by unanimous vote from the Planning and Zoning Commission that the area be zoned Residential Large Single Family in the event that it is annexed.

There was no opposition present.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that Ordinance for the annexation for approximately 19.188 acres of land to be known as Crown Colony Section VIII-B and VIII-C and generally located south of Champions Drive and south of Crown Colony Section VIII-A be approved on First Reading as presented with the zoning classification of Residential Large. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - APARTMENT, SPECIAL USE (MEDICAL OR DENTAL CLINIC) TO LOCAL BUSINESS ZONING DISTRICT - MEDICAL PLAZA - 1212-1220 ELLIS STREET - DR. GEORGE THANNISCH

Mayor pro tem Boyd stated that the next item for consideration was the request of George Thannisch, M. D. on behalf of Medical Plaza, Inc., to change the zoning from "A, SU" Apartment, Special Use (Medical or Dental Clinic) to a "LB" Local Business Zoning District on approximately 1.859 acres of land described as tracts 61-66 of the J. A. Bonton Survey (Abstract No. 5), and known as Medical Plaza located at 1212-1220 Ellis Street.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department that explains the background on this request and the need for this zone change to allow for division of the land and have an equal distance between the two buildings. City Manager Maclin stated that this request

comes to Council by unanimous vote with a recommendation of approval from the Planning & Zoning Commission that it be granted as requested.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "A, SU" Apartment, Special Use (Medical or Dental Clinic) to a "LB" Local Business Zoning District on approximately 1.859 acres of land described as tracts 61-66 of the J. A. Bonton Survey (Abstract No. 5) and known as Medical Plaza located at 1212-1220 Ellis Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - TU ELECTRIC RATE DECREASE RIDER - APPROVED

Mayor pro tem Boyd stated that the next item for consideration was the TU Electric Rate Decrease Rider.

Bob Brown, General Manager of TU Electric, stated that he has worked for TU Electric for 31 years and this is the first time in his career that he has been able to come before Council and inform them of a rate decrease. Mr. Brown stated that TU Electric and the Public Utility Commission with the agreement of the Office of Public Council, the PUC staff, and the Texas Industry Electric consortium worked out an agreement for a rate decrease for TU Electric system wide. Mr. Brown stated that since the Council is the official rate making body for the City of Lufkin, he was present to ask that they adopt a rider Ordinance that decreases the residential rates by 4% on the electric consumption of the electric bill for 1998 and 1.4% for 1999 (making it 5.4% for residential in January of 1999), 2% for commercial customers and 1% for the major industries and all other customers.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Jack Gorden, Jr. that Ordinance for a TU Electric Rate Decrease Rider be approved on one reading as presented. A unanimous affirmative vote was recorded.

9. PROPOSAL - APPROVED - REGIONAL WATER STUDY - GOODWIN-LASITER, INC.

Mayor pro tem stated that the next item for consideration was a proposal for the regional water study.

City Manager Maclin stated that several months ago the City Council was approached by the Zavalla City Council requesting consideration that in the future we would sell that community water and that they had been unable to obtain new water supplies due to problems with the ground water and drilling wells in the immediate area around Zavalla. City Manager Maclin stated that at that time Council approved that request but also felt that it would be appropriate to consider an update to the City's water study that was a regional supply planning study from 1988 to 1991, and since 1991 there have been some other significant changes: (1) the increase in consumption by the industrial users, specifically Pilgrim's Pride, and (2) in the late '80s the City was basically at a slow to no growth period and now is experiencing a 2-3% growth per year. City Manager Maclin stated that with those two changes it is his opinion that it is appropriate to update a study that is now seven years old, recognizing the changes in water consumption. City Manager Maclin stated that, more importantly, timing wise as to why staff would want to bring this item to Council today rather than wait through the normal budgeting process is the fact that Senate Bill I and the Texas Water Development Board are pursuing the development of a master plan for regional water planning and Lufkin is a part of Region I which goes from Beaumont north to Tyler. City Manager Maclin stated that yesterday at the Civic Center a meeting was held to nominate individuals to serve on this regional planning board. City Manager Maclin stated that staff has been insured that whatever the City has in place in the way of a water

plan will become a permanent part of the regional water plan. City Manager Maclin stated that in light of the fact that this Region I Planning Committee will begin their work later on this summer, staff felt like it was important to go ahead and pursue and update the City's regional water plan immediately so that it can become a part of the Region I activities and be on record to protect and insure water supplies for the citizens of Lufkin for the next 50 years or so. City Manager Maclin requested that Councilmembers review the proposal in the Council packet from Goodwin-Lasiter. City Manager Maclin stated that Goodwin-Lasiter estimates the cost between \$14,000 and \$18,000, and if Council approves this request staff will send letters to the other entities in the County who participated in the study in 1988 to 1991 and see if they wish to be a part of this study. City Manager Maclin stated that if they choose to participate they will be asked to share in a proportionate basis based on the number of connections that they have. City Manager Maclin stated that it is the opinion of staff that whether or not any other water users participate it is still critical for Lufkin to go ahead and move forward with this. City Manager Maclin stated that it is his opinion that Huntington, Burke and Zavalla would want to participate because the City has an agreement to supply them with water in the future. City Manager Maclin stated that beyond that it would be up to each of the other 11 entities in the County who sell water or who have water pumping capability to determine if they wanted to be a part of this study.

In response to question by Councilmember Gorden if other entities participation is pro rata on the \$14,000-\$18,000, or does their participation actually increase the total scope of this study, City Manager Maclin stated that, in his opinion, it would not increase it that much, and Mr. Lasiter could probably address this specifically. City Manager Maclin stated that it would just be helping the City of Lufkin towards the total cost. City Manager Maclin stated that staff is looking at this predominantly from the standpoint of the City of Lufkin being a regional water supplier, which is the City's motivation. City Manager Maclin stated that TNRCC and Texas Water Development Board have been encouraging regional water systems for quite some time. City Manager Maclin stated that in 1991 most of the entities at that time were not in need of water, and therefore did not choose to participate in a regional distribution system. City Manager Maclin stated that perhaps that has changed with some of the entities because their ability to gain new water supplies for the future over the last seven years has been difficult as was evidenced in the case of Zavalla. City Manager Maclin stated that the City's intent with this supply study is to protect resources the City has, both ground water and surface water, and to have an identifiable plan as to how the City could serve as a regional water distributor.

Councilmember Gorden stated that in reading down through the scope of the proposal by Goodwin-Lasiter, if using water from Rayburn is a possibility, would there be any work done on defining what the cost would be. Larry Lasiter stated that yes, he would look at the ultimate capacity of the current water source which is the Carrizo Aquifer. Mr. Lasiter stated that there have been a lot of studies done in the past about the capacity of that aquifer to continue to supply water needs. Mr. Lasiter stated that there are other factors in that like other users of that water that could play positive or negative impacts on the future of that water supply. Mr. Lasiter stated that if the area quits growing we may never need to go to Rayburn for water, but in his opinion this won't happen. Mr. Lasiter stated that with I-69 he expects that the area will continue to grow. Mr. Lasiter stated that the County has been growing at twice the rate the City has. Mr. Lasiter stated that if the growth continues at this rate it will not be a matter of if we need to go to Rayburn, but ultimately, when. In response to question by Councilmember Gorden, Mr. Lasiter stated that the cost to treat the water would obviously be one of the major factors you would want to know and what it would cost to treat ground water as opposed to surface water. Mr. Wright stated that Goodwin-Lasiter would look at both options, ground water and surface water, and analysis the cost of building a water plant, transmission line and all that is associated with the plant, so that we could look at a shared basis if the City chooses to go that route. Mr. Lasiter stated that this is a water supply study and not a study of how you distribute the water and how does every in-user build their facilities for their pumping facilities.

In response to question by Councilmember Gorden, Mr. Wright stated that staff in the Engineering Department will be doing a lot of the work along with Goodwin-Lasiter, and that is why their cost has been reduced significantly.

In response to question by Councilmember Simond, City Manager Maclin stated that the plan will show how the City of Lufkin will use both their ground water and surface water over the next 50 years so that it is documented in the regional plan that (1) the City does have plans to use its surface water at some point in the future and (2) that it insures that it stays in the ownership of the City of Lufkin in terms of what we have been paying to the Corps of Engineer and to the Lower Neches River Authority for the rights to take approximately 26 million gallons a day or more from Rayburn. City Manager Maclin stated that the documentation of that in the City's plan is critical because if we show that we don't have a need for the water in the future and West Texas shows that they do have a need, then they would have a tenacity to want to sell East Texas water and ship it to Corpus Christi, San Antonio or Houston or whoever needs it. City Manager Maclin stated that by the City documenting that it is in our plan to use the water at some point in the future, that will provide protection to keep that from happening. City Manager Maclin stated that this is what he had been told by Texas Water Development Board officials.

Mayor pro tem Boyd stated that Councilmember Gorden had asked the question about if these other entities take part in this study would this increase the overall cost or would it stay approximately the same. Mr. Lasiter stated that the cost should stay approximately the same.

City Manager Maclin stated that he would recommend that the portion that the City would fund would be taken from Utility Fund Contingency for our per connection share. City Manager Maclin stated that the other entities who choose to participate will be asked to participate on a per connection basis which will be a very equitable way of distributing the cost.

In response to question by Mayor pro tem Boyd, City Manager Maclin stated that he has not had any contact with any of the other entities but was waiting until after Council heard this request today. City Manager Maclin stated that he felt that he could say with some safety that Huntington, Burke and Zavalla will want to participate, and beyond that it will be based on the individual contact.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that proposal of Goodwin-Lasiter, Inc., at an estimated amount of \$14,000 to \$18,000 be approved as submitted, and that this amount be taken from the Utility Fund Contingency. A unanimous affirmative vote was recorded.

10. REPORT - ASBESTOS ABATEMENT - CITY'S WATER SUPPLY

Mayor pro tem Boyd stated that the next item for consideration was to hear a report on asbestos abatement in the City's water supply.

City Manager Maclin stated that in the Council newsletters and other information he has communicated with Council about was a problem that occurred a few days back with an elevated level of asbestos in City water occurring in late September and late November that required the City, under TNRCC rules, to notify the City customers through newspaper notice of the elevated level. City Manager Maclin stated that the elevated level thus far has been on the south tip of the City. City Manager Maclin stated that he would ask the City Engineer to talk to Council now about a scientific approach to identifying, if and where we have problems with asbestos, and how we would go about remediating those problems. City Manager Maclin stated that a map had been provided to Council with a legend in the lower left hand corner showing by color code those lines that are asbestos cement pipe lines. City Manager Maclin stated that approximately 25% of the City's system is

A/C pipe. City Manager Maclin stated that the red dots on the map are the 44 locations where samples were taken last Wednesday. City Manager Maclin stated that the information from these samples will be used to identify where there are problems, and when problems are found a tap on the line will be made to get a core of pipe and the pipe examined for deterioration and depreciation.

Mr. Wright stated that back in 1994 the City received a grant from the Texas Capital Fund and with City funds some well field lines were replaced. Mr. Wright stated the well field lines were asbestos cement lines which were very deteriorated, and based on tests we knew that most of the asbestos in the City was coming from this area. Mr. Wright stated that once the lines were replaced a monthly testing has taken place and for the past two years the City has had no violations of asbestos cement greater than seven million fibers over 10 microns in length in our water system. Mr. Wright stated that for the past quarter the City has had two violations and at the same location there have been levels well within acceptable limit, which has been an elusive problem. Mr. Wright stated that all of the violations have been in the extreme south, and the City's water plant is in the north. Mr. Wright stated that the City's water is naturally on the corrosive side. Mr. Wright stated that City staff has completed a study of corrosive analysis which has been submitted to TNRCC and accepted by them. Mr. Wright stated that City staff is attacking this problem with the addition of some Ortho phosphate chemical which is to reduce the corrosivity of the water and hope to keep those levels under control. Mr. Wright stated that the other problem that goes along with that is the hydrogen sulfite problem. Mr. Wright stated that hydrogen sulfite is naturally occurring in the Carrizo Aquifer, and the way the City gets the hydrogen sulfite out of the water at the present time is through aerating and chlorination. Mr. Wright stated that the aeration unfortunately does not work very well for Lufkin water because it has a high ph, and it has to have a lower ph in order to strip the hydrogen sulfite out with aeration. Mr. Wright stated that mainly we oxidize the hydrogen sulfite using chlorine, however in the summer when there is peak usage and the City is pumping 11 million gallon a day and there is only four million gallons of storage, hydrogen sulfite still gets out into the system. Mr. Wright stated that when the hydrogen sulfite combines with oxygen it creates the corrosive condition that occurs on the AC pipe. Mr. Wright stated that it is his opinion that this has been the major problem and is creating some of the conditions at the present. Mr. Wright stated that when the City has a 12" line that breaks and water is typically flowing in a certain pattern and they shut valves off on a major line and change the patterns, it tends to break particles loose from the pipe and create more particles in the water. Mr. Wright stated that staff will look at this with two approaches, one will be at the plant. Mr. Wright stated that Council has already approved the new ground storage tank which should go a long way in helping attack the hydrogen sulfite problem. Mr. Wright stated that he has actually looked at a new pilot project at the water plant reducing chlorine demand in half with this type aeration. Mr. Wright stated that he hopes to get this project bid out in late January with the plant work being done in February, and hopefully by July the system will be working helping to reduce hydrogen sulfite. Mr. Wright stated that the other approach is to find any deteriorated pipe and replace it, and in order to do that he has set up a map to identify areas where the City has AC pipe that is 6" and above. Mr. Wright stated that he does not know at this time how much of this pipe is in the City but there is several miles of it. Mr. Wright stated that in some cases the 12" A/C line is halfway around the Loop. Mr. Wright stated that there is a large 16" main that goes in and feeds the 103 elevated tank that is A/C pipe. Mr. Wright stated that what he hopes to do from the testing is if there is some conclusive evidence of elevated levels of asbestos it will help identify some pipes that are deteriorated and a tap will be made on the pipe and a core taken to see what type of deterioration has actually taken place. Mr. Wright stated that more than likely more deterioration will be found in the south part of town based on the summer time usage. Mr. Wright stated that there has been some suspicion of some pipe that came from overseas back in the '70s was a substandard pipe and some of that might be in the City's system. Mr. Wright stated that there is some 16" pipe that was put in at the same time as the well field lines that he will also test.

Mr. Wright stated that it is his goal through this process to rank and identify and categorize those pipes that have the most deterioration and come back to Council with a plan, and over a period of time attack and reduce the amount of A/C pipe in the City. Mr. Wright stated that this is an excessive amount of pipe and we would not be able to replace it on a wholesale basis but if the worst areas can be identified and taken out of the system we should be able to eliminate the higher asbestos levels in the south. Mr. Wright stated that along with that, if we can reduce the problem with hydrogen sulfite and corrosivity that we have it will help maintain the existing pipe in the system while we have this program to replace the A/C pipe.

Councilmember Simond stated that he was impressed by Mr. Wright's presentation. Councilmember Simond stated that the City has a lot of streets with water gushing up in the middle of the street and he would assume that it was A/C pipe. Mr. Wright stated that most of the problems with leaks is typically on galvanized pipe. Mr. Wright stated that the City does have a program where we are addressing those concerns right now. Mr. Wright stated that the Water Utilities Department looked at a line last week that in one section of pipe on one block over the past year there had been nine different leaks on that line. Councilmember Simond stated that, in his opinion, those pipes that are leaking should be repaired first before the City goes out looking for other pipes. Councilmember Simond stated that two things are happening with the leaking pipes (1) water is being wasted, and (2) the street is deteriorating. Councilmember Simond stated that anywhere you see leaks you see a lot of potholes.

Councilmember Simond stated that he passes through on Margaret Street going to the Post Office and it has been leaking for years. Councilmember Simond stated that he understands from Steve Poskey that the water line cannot be fixed until the street is fixed. Mr. Wright stated that the key to good pavement is good drainage. Mr. Wright stated that if we can get these lines replaced it will help the streets tremendously, but there are so many problems. Mr. Wright stated that he is trying to get a plan where he comes in ahead of the overlay program and replaces the galvanized lines, a program that has been implemented these past two years. Mr. Wright stated that most of the galvanized lines were put in over a 10 year period and they are all in bad condition. Councilmember Simond asked Mr. Wright if instead of repairing the lines he could just go ahead and replace them. Mr. Wright stated that on 2" lines and below they do not give them a high priority, but repair the largest lines first. Mr. Wright stated that because of the number of leaks and not having the manpower he needs some times these 2" line leaks have to wait a few days before they are repaired.

In response to question by Mayor pro tem Boyd, Mr. Wright stated that he hoped to get the results back on the asbestos testing in two weeks and he will have a report to Council shortly after that as to what the results were.

Councilmember Weems stated that there are citizens who are concerned about asbestos in the water and he had heard different reports about asbestos in water not being harmful. Councilmember Weems stated that the City should have an educational program for the citizens to help them overcome their fear of asbestos in the water, especially since we are looking at 10 years before this problem can be totally fixed. Councilmember Weems stated that this problem may have to be addressed by going ahead and replacing all of the pipe and see what the cost is. City Manager Maclin stated that if the City were having levels above the 7 million fibers per liter we would have to issue the debt and replace all the lines. City Manager Maclin stated that staff is working to identify the areas where there are problems with asbestos and where there are not problems. City Manager Maclin stated that it is feasible that this A/C pipe could last another 20 years without the corrosivity in the City's water. City Manager Maclin stated that it would be foolish to waste the taxpayers money to replace lines that don't need to be replaced based on levels of asbestos in the water. City Manager Maclin stated that back to Councilmember Weems concerns, in 1994 we made a lot of efforts and will have to continue to do

that each time we have a test that measures 7 millions fibers per liter and that is to continue to pass on to the public through the media the information that the EPA has on asbestos. City Manager Maclin stated that the real difference between water borne asbestos and air borne asbestos is that there are legitimate problems with air borne asbestos and people are aware of those and are very concerned about them. City Manager Maclin stated that unfortunately they assume, incorrectly, that water borne asbestos is the same as air borne asbestos and it is not. City Manager Maclin stated that the EPA studies have continually shown year after year that water borne asbestos does not present anywhere close to the same health concern that air borne does. City Manager Maclin stated that in some of the studies he looked at in 1994 when he did research he found that there were places in New York that had asbestos levels in the billions per liter. City Manager Maclin stated that it was so thick that it came out in the showers and would cover people's bodies when they took a shower, yet in a three year study there were no increased incidents of cancer in that community versus the rest of America. City Manager Maclin stated that the people conducting the tests felt like that was fairly conclusive that extreme amounts of asbestos were not creating a health hazard. City Manager Maclin stated that they have also taken the test where they ingest into laboratory animals large amounts of asbestos and in contrast with saccharin that is in Sweet-N-Low, that can cause cancer in laboratory animals. City Manager Maclin stated that asbestos ingested in laboratory animals in large amounts has not caused cancer.

Councilmember Weems stated that from the standpoint of the program the City is in it is good to go ahead and get this information out but if the 10 year plan is not there it needs to be addressed a lot quicker. Mr. Wright stated that it may be that staff will have to come back and say that 10 years is not quick enough, but it depends on what the test results are. Mr. Wright stated that realistically the cost here is billions of dollars in order to get it all completed and the lines replaced. Mr. Wright stated that the replacement of the lines will be very expensive due to the nature of where they are, which will involve dealing with other utility lines. Mr. Wright stated that in these easements the lines are so close together that he will not be able to use a backhoe to dig with, and then the City may also have to purchase some of this right-of-way.

Councilmember Gorden stated that he was impressed that Mr. Wright had been able to put together the map that identified where the problem is.

In response to question by Councilmember Gorden, City Manager Maclin stated that the '70s is the predominant period of when the asbestos line was put down.

Mr. Wright stated that M. D. Scarborough, Water and Sewer Superintendent, identified all of the lines and he used this information to put the map together. City Manager Maclin stated that this pipe is 85% concrete and 15% asbestos.

In response to question by Councilmember Gorden, Mr. Wright stated that once the problem areas have been identified he will go out and actually treat the line like you are going to put a tap on it, and will core the line and take a plug out. Mr. Wright stated that at that point he will shut the value down to seal the pipe and examine the plug for deterioration.

City Manager Maclin stated that the real purpose of this report was to inform the Council and the public of what is going on and what the City is doing to remediate this problem and he will keep them posted as the test results come in and are able to identify locations that would be appropriate for replacement.

11. AGREEMENT - APPROVED - PURCHASE OF RIGHT-OF-WAY PROPERTY - TULANE DRIVE - GSV PROPERTIES

Mayor pro tem Boyd stated that the next item for consideration was an Agreement with GSV Properties for the purchase of right-of-way on Tulane Drive.

City Manager Maclin stated that included in the Council packet is a copy of the Agreement which involves the acquisition of right-of-way for the new Tulane Drive. City Manager Maclin stated that it includes the purchase of some right-of-way from the new location of Tulane as well as the exchange of existing right-of-way from the old Tulane that currently exists, and would require Council approval for closure of the old street at such time that the new street is completed.

City Attorney Flournoy stated that the City would purchase the old right-of-way first and when the new street is finished then we would abandon and close and convey to GSV any interest the City has in the old portion of Tulane. Mr. Flournoy stated that GSV would own right-of-way on both sides of the old Tulane street.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that the Agreement with GSV Properties for the purchase of right-of-way on Tulane Drive be approved as presented. A unanimous affirmative vote was recorded.

12. EXECUTIVE SESSION

Mayor pro tem Boyd recessed Regular Session at 6:00 p. m. to enter into Executive Session. Mayor pro tem Boyd reconvened Regular Session at 6:23 p. m. and stated that the Council had discussed appointments to Boards and Commissions.

13. APPOINTMENTS - APPROVED - CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS - AIR CONDITIONING, MECHANICAL, REFRIGERATION & HEATING BOARD - EXAMINING & SUPERVISING BOARD OF ELECTRICIANS - PLUMBING APPEALS & ADVISORY BOARD

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that Sammy Ferrara, Royce Fritz and Billy Russell be reappointed to the Air Conditioning, Mechanical, Refrigeration & Heating Board. A unanimous affirmative vote was recorded.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Tucker Weems that Gene Togio, Joe Scott, Wilbert Adams, Layne Pittman be reappointed and Malcolm McKinley be appointed to the Construction Board of Adjustment and Appeals. A unanimous affirmative vote was recorded.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that Gary Alexander and Charlie Caver be reappointed to the Examining & Supervising Board of Electricians. A unanimous affirmative vote was recorded.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Jack Gorden, Jr. that Mark Strong be reappointed to the Plumbing Appeals & Advisory Board. A unanimous affirmative vote was recorded.

14. COMMENTS

Councilmember Simond stated that he suggested a few weeks back that Council talk about site bearing fences around businesses with junked automobiles. Councilmember Simond stated that in his travels over the past few weeks he had seen some site bearing fences that looked to be very inexpensive, and he would hope that some consideration would be given to these types of places. Councilmember Simond stated that he just recently found out that if a person owns property they can take a bulldozer and dig holes on it without any restrictions. Councilmember Simond stated that there is a piece of property in Lufkin where people dig dirt for sale and this place is right on the side of a City street. Councilmember Simond stated that, in his opinion, the City should have Ordinances prohibiting these two problems.

Councilmember Simond stated that he had faxed some information to the City Manager a few weeks ago about a program he saw on "60 Minutes" regarding government surplus equipment that had been purchased from a small town Police Department in Florida. Councilmember Simond stated that it was stated that anyone would be eligible and all they had to do was ask for the equipment, and it was all brand new. Councilmember Simond stated that the City Manager had supplied him with a list of 31 items that the City of Lufkin has received.

In response to question by Councilmember Simond as to the progress of MLK, Mr. Wright stated that he had a meeting with Thomas Moore tomorrow afternoon. Mr. Wright stated that staff has some concerns with the progress of the construction on MLK. Mr. Wright stated that he and the engineer Bill Moreau, geo-technical engineer Bill Jacobs, and our inspector will meet with Thomas Moore and Allen Loggins concerning that project tomorrow afternoon. Mr. Wright stated that staff has concerns about the progress of the project, the methods that were used, and will give Council a report via the City Manager's newsletter. Mr. Wright stated that staff is very concerned about the project. Councilmember Simond asked if the problem with the railroad not delivering the material was still a valid excuse. Mr. Wright replied that it was not.

In response to question by Councilmember Jones, City Manager Maclin stated that when he approached Mr. Moore he blamed the delay on the gravel delivery. Mr. Wright stated that he had heard that the weather could be a delay, however he had been out to the site on good weather days and no one was working. Councilmember Jones stated that she shared Mr. Simond's concerns and was interested in knowing when this problem would be resolved.

In response to question by Mayor pro tem Boyd, Mr. Wright stated that there is a time limit for completion of the project and if it is not completed on schedule we can file for liquidated damages.

In response to question by Councilmember Gorden, Mr. Wright stated that concrete was poured twice last week on Paul and this week the weather prevented any progress. Mr. Wright stated that one lane has been completely finished all the way through the project and the concrete has been poured in front of the school. Mr. Wright stated that if the weather clears up next week we should see the outside lanes poured completely and then they will have to go back and fix the driveways.


City Manager Maclin stated that Martin Luther King, Jr. Day will be a City holiday on Monday, January 19. Garbage routes will be moved back one day, Monday routes will be picked up on Tuesday and Tuesday routes will be picked up on Wednesday.

City Manager Maclin stated that January 22nd is the Lufkin/Nacogdoches Day in Austin and anyone planning on going and needs assistance in housing should let staff know.

City Manager Maclin asked that those Councilmembers wishing to attend the Chamber banquet to let him know so that reservations could be made.

In response to question by Councilmember Weems, City Manager Maclin stated that it is time for his annual evaluation and asked Council to complete the forms and turn them back in before the next meeting, January 20. City Manager Maclin stated that this is the format that Council has been using for the last six or so years and Councilmembers are encouraged to add or include anything they would like to, or to include goals for the City Manager for 1998.

15. There being no further business for consideration, meeting adjourned at 6:35 p.m.


Don Boyd - Mayor pro tem

ATTEST

Atha Stokes - City Secretary