

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS HELD ON THE 19TH DAY OF FEBRUARY, 1991, AT 5:00 P.M.

On the 19th day of February, 1991, 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:

Louis Bronaugh	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6
C. G. Maclin	City Manager
Bob Flourney	City Attorney
Ron Wesch	Public Works Director/ Assistant to City Manager
Atha Stokes	City Secretary
David Cochran	Purchasing Agent

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Charles Treptow, Minister, Angel of Joy Lutheran Church.

2. Mayor Bronaugh welcomed visitors present and recognized Boy Scout Troop No. 135 - Leader Pat Ritter, Assistant Den Leader Shirley Musick, Den Mother Loraine Belote and scouts, Derrick Bowman, Kody Johnson, David Belote, Matt Beckett, Charles Ritter, Ken Bahl and Paul Bahl, working on their Citizenship and Citizenship in the Nation badges.

3. APPROVAL OF MINUTES

Minutes of regular meeting of February 5th, 1991 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION/PERMANENT ZONING - BROOKHOLLOW NO. 12 - R. H. DUNCAN

Mayor Bronaugh opened Public Hearing to consider Annexation and Permanent Zoning as requested by R. H. Duncan for property being located at Brookhollow Addition No. 12, a subdivision of 50.132 acres, lying west of and adjacent to Brookhollow Addition Nos. 5, 9, and 11 between Copeland Street and F.M. Road No. 1336 (Gobblers Knob Road).

There was no opposition present.

Mayor Bronaugh closed Public Hearing.

5. ORDINANCE - TABLED - FIRST READING - ANGELINA COUNTY WATER PROJECT AGREEMENT - ANRA

Mayor Bronaugh stated that the next item for consideration was to consider on First Reading an Ordinance authorizing the execution of the Angelina County Water Project Agreement with the Angelina and Neches River Authority.

Mayor Bronaugh stated that Gary Neighbors of ANRA and Jimmy Griffith of EGA were present to represent this item.

Mr. Neighbors stated that the City of Lufkin had sponsored and paid for a study in 1989 conducted by EGA to look at the water problems in the County with a focus on surface water.

Mr. Neighbors stated that during that time the parties involved became aware that there was a potential to change the focus from surface water to ground water, because Champion International, who is the primary user of ground water in the area had indicated a willingness to convert and look to other sources. Their consumption would then be limited and there would be more ground water available in the area and the region.

Mr. Neighbors stated that the focus then changed to ground water and Mr. Griffith in his study looked at each participating entity to outline what the water supply problems would be. Mr. Neighbors stated that as a decision maker he respects and understands that consideration should be given to potential problems, and then find a way to resolve the problem. Mr. Neighbors stated that economics and political considerations should also be taken into consideration and his role tonight was not to enter into political considerations. Mr. Neighbors stated that he was present to answer questions and provide information on the economics of this endeavor and the economy of scale that regionalization provides.

Mr. Neighbors stated that Mr. Griffith had analyzed each entities needs. Mr. Neighbors stated that the City of Lufkin was identified as having problems that needed to be solved in the next 20 years. Mr. Neighbors stated that being in the regional system it is cheaper to build one well and run the pipes provided that they are geographically dispersed and co-located.

Mr. Neighbors stated that in regionalization there is the political consideration that the person who owns the well has control of the water and can shut it off if he wants to.

Mr. Neighbors stated that there are three choices regarding regionalization as to who will own the well and distribute the water: 1) One of the participating entities to run the project, 2) Form a district, or 3) Look to an existing organization. Mr. Neighbors stated that ANRA was created to run regional projects, which is the third choice of having an existing organization. Mr. Neighbors stated that Pitser Garrison had had a big part in the creation of ANRA. Mr. Neighbors stated that ANRA was created to provide regional projects. Mr. Neighbors stated that ANRA has not been a strong, viable organization because it has survived on the services it provides to the community - by being a laboratory by contract operations. Mr. Neighbors stated that if the City of Lufkin is looking to solve the problems they will face in the future it will be very difficult to do so alone, not only in water, but waste water and solid waste. Mr. Neighbors stated that ANRA was asked to be a part of this project because of those three things.

Mr. Neighbors stated that the deadline for a decision on participation in this project is March 15th.

In response to question by Mayor Bronaugh, City Attorney Flournoy stated the questions he had regarding the contract have basically been answered.

In response to question by Commissioner Simond, Mr. Neighbors stated that the difference in the figures of \$744,457 (the amount the City is obligated to pay as its share of the regional system costs) and \$613,668 (the net annual increase in costs for the regional solution) is in the timing. One is the net savings to the City in O & M costs. The net costs to the City will be \$613,668. Mr. Neighbors stated that for \$744,457 per year ANRA will deliver 1.39 million gallons of water a day to the City's designated delivery point.

Mr. Wesch stated that the City currently uses 5.5 million gallons of water per day.

Mr. Neighbors stated that in his letter to the Commission he had pointed out that the City would need increased water production capacity by the year 2000, elevated storage in the southern area now, and loop water mains constructed by the year 2010. Mr. Neighbors stated that the money the City will be paying will include these improvements as well as the water.

Commissioner Simond stated that, in his opinion, it would be more sensible to use the water at Sam Rayburn Reservoir that the City is already paying for. Commissioner Simond stated that he had heard that the City would lose its water rights if they didn't start using the water from Rayburn.

Mr. Flournoy stated that the City will continue to own its own system and wells but would simply be buying 1.4 million gallons a day from the regional system.

Mr. Griffith presented a chart showing the facilities the City of Lufkin will need in the future or does need already, and the facilities that the regional system will need.

In response to question by Commissioner Roper, Mr. Griffith stated that in one area the City is not meeting Health Department requirements on the City's ability to maintain 20 PSI, minimum pressures of 35 PSI, and delivering 1-1/2 gallons per minute per connection (this covers most of south Lufkin and approximately 10-12,000 population). Mr. Griffith stated that according to Fire Insurance Board requirements, the City is unable to deliver sufficient flows to fight fires in the southern part of town. Mr. Griffith stated that the Health Department requires .06 gallons per minute per connection; there is enough well capacity to meet this requirement at this time, but in the next 10 years the City will cease to meet these requirements.

In response to question by Mayor Bronaugh, Mr. Griffith stated that there are some water pressure problems on Highway 69 but they are not as severe as the problems on the south side of Lufkin.

In response to question by Commissioner Gorden, Mr. Neighbors stated that the City of Lufkin's best option for going to surface water is not Lake Eastex because of the 40¢ per gallon per thousand. Mr. Neighbors stated that the problem is the rest of the County entities do not have any surface water rights at this time. Mr. Neighbors stated that if this project is approved, the Corps of Engineers will re-allocate storage similar to how the City received their water 20 years ago, and request that ANRA be allowed to buy the surface water on their behalf (Huntington, Zavalla and water supply corporations such as Hudson, Redland, M & M, etc.).

In response to question by Commissioner Bowman, Mr. Griffith stated that the immediate cost that the City would be faced with would include 8, 12, 16 and 24 inch lines, a 2 million gallon elevated storage tank, additional pumpage and fire hydrants at a cost of \$5 million. Mr. Griffith stated that Phase II would cost approximately \$3 million.

Commissioner Simond stated that a report the Commission received states that if Water Well No. 3 was redrilled it would increase the water production tremendously.

In response to question from Commissioner Simond as to the source of the 1.39 MDG, Mr. Neighbors stated that this groundwater would come from the Champion well field in the Kurth Lake region.

Mayor Bronaugh stated that the important issue here is what is the City of Lufkin, or the County, going to do for the future. Mayor Bronaugh stated that the City of Lufkin is concerned if the City of Huntington doesn't have enough water for its needs.

Mr. Neighbors stated that through the last 6-8 months there has been a development working with the people in the County to put together how the control of the organization would work. Mr. Neighbors stated that each participating entity would have a representative to sit on the management committee, which would have the authority to set all policies, rules, regulations, to set the budget, arbitrate any disputes, and be a forum for debate among the entities. Mr. Neighbors stated that participants would vote based upon their contract shares - the City would have approximately 45%, and it would take a 2/3's vote on any issue to pass. Mr. Neighbors stated the ANRA Board would have the authority to veto a proposed budget if they found, in their opinion, that it did not meet the debt requirements to pay the bonds. The budget would be returned to the management committee to revise and detail why a certain item(s) could not be approved. Mr. Neighbors stated that there are four representatives that will sit on the Board within the immediate Lufkin area that the City would have access to also.

In response to question by Commissioner Mayberry, Mr. Neighbors stated that the contract would provide the solution to water supply problems on a more economical basis than if the City went on its own, and it will be setting the infrastructure for the County to be able to respond to future water supply problems and will build a spirit of cooperation in the County. Mr. Neighbors stated that for those cities with critical water problems such as Zavalla, it will provide the "good neighbor policy". It will also put the City in the position to attract industry.

Commissioner Mayberry stated that he would like to have a one sheet comparative cost of the City going it alone as opposed to participating in the regional water project.

Commissioner Bowman stated that he was concerned about the enormous cost of taking water from Rayburn at this time, and he would like to see the City proceed with a continuance on water from the groundwater field north of Lufkin. Commissioner Bowman stated that he would also like to see the City build up a reserve fund for the day when we do need to bring the water from Rayburn.

Commissioner Simond requested that the City Manager find out if the State is serious about taking Sam Rayburn water rights away from the City of Lufkin if we do not use them. Mr. Neighbors stated that in working with the Texas Water Commission he had observed that existing law provides if there is no use of your Permit it can be called in to justify that. Mr. Neighbors stated that there is current legislation to modify that because people who have spent large amounts of money to build reservoirs may not be using them for the next 10-15 years, and under existing laws that capital investment could be at risk.

Commissioner Bowman requested that the City Manager find out how serious the State is regarding Health Department regulations for lack of water pressure.

Pitser Garrison, Mayor Emeritus, read a prepared statement regarding the regional water plan. (A copy of the statement is on file in the City Secretary's Office.)

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman that this item be tabled until next meeting. A unanimous affirmative vote was recorded.

City Manager Maclin stated that a Workshop dealing with the Wastewater Treatment Plant has been scheduled for Tuesday, February 26th at 5:00 p.m.

A workshop for the regional water plan will be held on Monday, March 4th at 11:00 a.m.

6. ORDINANCE - APPROVED - FIRST READING - STREET CLOSINGS - PORTION OF ARTHUR AVENUE - METHODIST RETIREMENT SERVICES, INC.

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance closing a 20' portion of Arthur Avenue as requested by the Methodist Retirement Services, Inc.

Bill Ricks, attorney representing Methodist Retirement Services, Inc., stated that the request to close this 20' portion of Arthur Avenue was to prevent it from becoming a thoroughfare opening out onto Timberland Drive.

City Manager Maclin stated that a letter from Kenneth Vann had been passed out to Commissioners requesting that a utility easement be retained on this property.

Mr. Ricks stated that he would provide a letter by next meeting acknowledging that the City will retain the easement on this portion of Arthur Avenue.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - REPEALING BIENNIAL TB SKIN TEST - DAY CARE PERSONNEL

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance repealing the biennial T. B. skin test requirement for day care center personnel.

City Manager Maclin stated that he had received a letter from the President of the Angelina County Day Care Association requesting that the City's biennial requirement of a T. B. skin test be changed to adhere to the Department of Human Services Day Care licensing requirement of one T. B. skin test upon employment.

City Manager Maclin stated that this requirement had been adopted by Ordinance in 1983, and that the Angelina County/Cities Health District is in agreement with repealing of this requirement.

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

8. ORDINANCE - APPROVED - FIRST READING - CITY ELECTION

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

Mayor Bronaugh stated that the election will be held for Commissioners of Wards 2 and 4 and for the office of Mayor. Mayor Bronaugh stated that incumbent candidates, Commissioners Boyd and Bowman, have filed an application for re-election.

Mayor Bronaugh stated that Absentee voting will be held in the

City Hall atrium from April 15 - April 30, and the election will be held on Saturday, May 4th.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - LANDSCAPE COST SHARING PROGRAM AGREEMENT - STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION/CITY OF LUFKIN

Mayor Bronaugh stated that the next item for consideration was a Landscape Cost Sharing Program Agreement between the State Department of Highways and Public Transportation and the City of Lufkin.

City Manager Maclin stated that the cash contribution of \$6,200 will come from the voluntary \$1.00 contribution on the City water bill, and the City's \$14,000 non-cash contribution represents maintenance of the project for a period of 24 consecutive months.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that Resolution authorizing Landscape Cost Sharing Program Agreement between the State Department of Highways and Public Transportation and the City of Lufkin be approved as presented. A unanimous affirmative vote was recorded.

10. PART-TIME ANIMAL CARE ATTENDANT - APPROVED - ANIMAL CONTROL DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was authorization of part-time temporary animal care attendant.

City Manager Maclin stated that letters from the Public Works Director, the Animal Control Director, and some statistical data from the Personnel Department had been included in the packet.

City Manager Maclin stated that the part-time attendant would provide assistance to the veterinarian during spaying and neutering on-site surgeries.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden authorizing a part-time temporary animal care attendant; that the current budget be revised to reflect the \$7,200 income from the Humane Society; and that the Animal Control budget be amended to include the expenditure for the temporary part-time employee. A unanimous affirmative vote was recorded.

11. AUTHORIZATION - APPROVED - BID REPAIRS - WATER WELL NO. 12

Mayor Bronaugh stated that the next item for consideration was authorization to bid repairs for water well #12.

City Manager Maclin stated that water well #12 had been shut down after it was discovered that there was 60' of oil contained within the well casing, floating on the water line.

City Manager Maclin stated that staff was recommending going with Option #2 as a long term guarantee that the problems will be fixed for the next 8 to 10 years. The cost for the long term repairs is approximately \$20,000/25,000. These funds would come from the Water and Sewer Contingency Reserve.

Ron Ramsey was present, representing Layne-Texas, to discuss the repairs and answer questions.

Mr. Wesch stated that either option the Commission selects will be let out for bids, and that Layne-Texas would be one of the bidders.

Mr. Ramsey stated that his company has a record of all the City's wells and he would provide a copy of the completions to the council.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry to accept Option #2 for repair of Water Well No. 12 with the understanding that the budget will be amended when bids are awarded. A unanimous affirmative vote was recorded.

12a. BID - APPROVED - RADIOS - PUBLIC WORKS DEPARTMENT - JOHNSTON ELECTRONICS

Mayor Bronaugh stated that the next item for consideration was bids for radios to be used in the Public Works Department.

City Manager Maclin stated that staff recommendation is to accept the bid of Johnston Electronics for eight Uniden radios in the amount of \$3,160.

City Manager Maclin stated that local service was not available on the radios bid by Ken's Communication in Wylie, Texas.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that bid of Johnston Electronics for eight Uniden radios in the amount of \$3,160 be accepted as submitted. A unanimous affirmative vote was recorded.

12b. BID - APPROVED - TRACTOR/BUSH HOG/TRAILER - PINEYWOODS TRACTOR AND IMPLEMENTS - TEXAS TIMBERJACK

Mayor Bronaugh stated that the next item for consideration was bids for tractor, bush hog and trailer for the Water Production Department.

City Manager Maclin stated that the low bid for the tractor and bush hog had been received from Pineywoods Tractor and Implements in the amount of \$13,220 and the low bid for the trailer had been received from Texas Timberjack in the amount of \$1,125. (A total cost of \$14,345 - \$14,400 had been budgeted for these items.)

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that bid of Pineywoods Tractor and Implement in the amount of \$13,220 for the tractor and bush hog and the bid of Texas Timberjack in the amount of \$1,125 for the trailer be accepted as submitted. A unanimous affirmative vote was recorded.

12c. BID - APPROVED - UNIFORMS - PUBLIC WORKS - RELIABLE UNIFORMS

Mayor Bronaugh stated that the next item for consideration was bids for uniforms to be used by the Public Works Department.

City Manager Maclin stated that the low bid for a unit price of \$50.48 had been received from Reliable Uniforms.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that bid of \$50.48 per unit from Reliable Uniforms be accepted as submitted. A unanimous affirmative vote was recorded.

13. COMMENTS

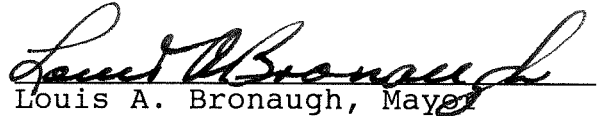
Commissioner Percy Simond requested discussion of hazardous materials on next agenda. City Manager Maclin stated that this is a very complex subject that would require a lot of time, and recommended that it be included in the City's Planning Retreat rather than an agenda item.

Commissioner Simond also requested that a policy on police chase be considered at a future meeting.

Commissioner Roper reminded those present of the "Show Our Support" rally to be held at the Civic Center, Friday, February 22, at 4:00 p.m.

City Manager Maclin stated that there will be a called meeting on March 4th at 11:00 a.m. for further discussion of the Angelina County Water project. Commissioner Bowman stated that he would like a recommendation from City Manager Maclin at that meeting.

14. There being no further business for discussion, meeting adjourned at 7:37 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary