

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LUFKIN, TEXAS, HELD ON THE  
1ST DAY OF NOVEMBER, 1994 AT 5:00 P. M.**

On the 1st day of November, 1994 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
Percy Simond	Councilman, Ward No. 1
Don Boyd	Mayor pro tem
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Tommy Deaton	Asst. City Attorney
Atha Stokes	City Secretary

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.

3. **APPROVAL OF MINUTES**

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that minutes of Regular Meeting of October 18, 1994 be approved as presented. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - ANNEXATION - FM 324 - FM 1336 - GOBBLERS KNOB ROAD - DONALD ARNETT**

Mayor Bronaugh opened Public Hearing to consider annexation on approximately 16.697 acres bounded by FM 324, FM 1336, Gobblers Knob Road and the existing City Limits, as requested by Donald Arnett.

Phil Medford appeared on behalf of Mr. Arnett.

There was no opposition to the request.

Mayor Bronaugh closed Public Hearing.

5. **ORDINANCE - APPROVED - SECOND READING - CLASSIFICATION ORDINANCE - POLICE DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was Second Reading of revision to the Classification Ordinance for the Police Department.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on Second Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - SECOND READING - SPEED ZONE - BRENTWOOD DRIVE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of

an Ordinance establishing a 50 mph speed zone on Brentwood Drive as requested by the Texas Department of Transportation.

Motion was made by Councilman Tucker Weems and seconded by Councilman Don Boyd that Ordinance be approved on Second and Final Reading as presented.

The following vote was recorded:

Aye: Councilmen Kegler, Gorden, Simond, Boyd, Weems and Mayor Bronaugh

Nay: Councilman Bowman

Motion carried by a vote of 6 to 1.

#### **7. ORDINANCES - APPROVED - 1994 STANDARD BUILDING CODE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinances adopting latest provision of the 1994 Standard Building Code.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Ordinances adopting the latest provision of the 1994 Standard Building Code (Standard Plumbing Code, Standard Mechanical Code, Standard Gas Code, Standard Fire Prevention Code and the Standard Building Code) be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

#### **8. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - PARKING LOT - RESIDENTIAL SMALL ZONING DISTRICT - HENDERSON STREET - JAMES AND LOLA STOVER**

Mayor Bronaugh stated that the next item for consideration was request of James and Lola Stover for approval of a Special Use Permit for a parking lot in a Residential Small Zoning District located on Henderson Street just north of Lotus Lane.

City Manager Maclin stated that included in the packet is a report from the Planning Department along with the minutes of the Planning & Zoning Commission meeting. City Manager Maclin stated that basically the skating rink needed some additional parking for overflow purposes and they needed to obtain a Special Use Permit in order to use the current zoning classification to place this parking lot for overflow parking. City Manager Maclin stated that the Planning & Zoning Commission has sent this request forward with a unanimous recommendation for approval.

Motion was made by Councilman Larry Kegler and seconded by Councilman Bob Bowman that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

#### **9. RESOLUTION - APPROVED - GREEN CARPET MEMORIAL ROUTE**

Mayor Bronaugh stated that the next item for consideration was a Resolution for the Green Carpet Memorial Route.

Mayor Bronaugh stated that this Memorial Route is a prospective route that has been under construction for some 20 years. Mayor Bronaugh stated that Mayor Abernathy from the City of Pittsburgh has requested that Council consider this Resolution in support of the Green Carpet Memorial Route. Mayor Bronaugh stated that Mayor Abernathy will go before the Department of Transportation in February in Longview to request completion of this project.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote

was recorded.

**10. CONTRACT - APPROVED - GRANT ADMINISTRATIVE SERVICES - GARY TRAYLOR & ASSOCIATES**

Mayor Bronaugh stated that the next item for consideration was a contract for grant administrative services with Gary Traylor & Associates.

City Manager Maclin stated that a few weeks back staff requested Traylor & Associates to assist the City in a grant application through the Urgent Need Water System Improvements 1994 Texas Community Development Program. City Manager Maclin stated that if the grant is funded the City will enter into a contractual agreement with Traylor & Associates to provide grant services, and if the grant is not funded then the City is not obligated to financial remuneration to the consulting firm. City Manager Maclin stated that included in packet is a copy of the contract, which meets all of the State standards.

City Manager Maclin stated that it is staff's recommendation that the City enter into this contractual agreement with Gary R. Traylor & Associates.

Vicki Ellison, representing the consulting firm, stated that the firm's normal fee is 10% of the total project cost, and this project is approximately \$1.3 million. Ms. Ellison stated that the maximum fee in this case would be \$40,000.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman to enter into the contractual agreement with Gary R. Traylor & Associates for the administration of the Urgent Need Water System Improvements Grant. A unanimous affirmative vote was recorded.

**11. EMS - DELINQUENT ACCOUNTS**

Mayor Bronaugh stated that the next item for consideration was EMS delinquent accounts.

City Manager Maclin stated that basically approval of this item will authorize staff to submit these accounts to the CRW Collection Agency, as well as for accounting or audit purposes to write these accounts off so that they do not continue to produce a false image of assets of the City. City Manager Maclin stated that this action does not release the persons who owe this amount of their debt to the City.

In response to question by Councilman Gorden, Mr. Mayfield stated that currently the year-to-date for Department 19 is under the budgeted amount, and Department 21 would be slightly higher than the budgeted amount basically because it is taking in a calendar year as opposed to the fiscal year. Mr. Mayfield stated that these accounts are basically write-offs that at some point would be considered part of bad debt, but that are being passed on to CRW for collection. Mr. Mayfield stated that the City does receive some of the payments back, which is reflected in the revenue budget.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that EMS delinquent accounts in the amount of \$69,857.43 be written off and submitted to CRW for collection. A unanimous affirmative vote was recorded.

**12. MUNICIPAL COURT REPORT - JUDGE JOHN SLOAN**

Mayor Bronaugh stated that the next item for consideration was a report by Municipal Court Judge John Sloan.

Judge Sloan stated that this is the second annual report presented by the Municipal Court and would be broken down into "new business" and "old business". Judge Sloan stated that under old business, crime continues to be one of the growth

industries in the community, and as a consequence there continues to be a high volume of work in Municipal Court as far as complaints being filed and processed by the clerks. Judge Sloan stated that this will probably continue to be true in the foreseeable future. Judge Sloan stated that they are also maintaining their open door policy where they make an effort to talk to anybody who wants to talk to the Court about their pending charge. Judge Sloan stated that, in his opinion, this is extremely beneficial to the citizens, and also helps to promote good relations with the community. Judge Sloan stated that often talking to citizens provides an opportunity to diffuse hostile situations.

Judge Sloan stated that under "good news", the collection agency currently being used to collect bad debts is probably the best collection agency the City has used to date. Judge Sloan stated that the collection agency is contacting people by letter and by telephone. Judge Sloan stated that he is very pleased with the efforts of the current collection agency.

Judge Sloan stated that in conjunction with the Police Department, Municipal Court is participating somewhat in a small effort to control street trafficking in drugs. Judge Sloan stated that the Police Department, in an effort to control street trafficking in drugs has a strict traffic enforcement policy that they are following up on, also an Ordinance on loitering, which are good tools for the war on drugs.

Judge Sloan stated that another new area that Municipal Court has been devoting more time to is Code Enforcement, which has caused an increase in the volume that is being handled by Municipal Court. Judge Sloan stated that a problem with Code Enforcement is getting people to understand that the City has a right to enforce the Codes. Judge Sloan stated that there is a natural resistance to someone coming on a person's property and telling them that their property is not up to City standards. Judge Sloan stated that it is important that citizens are educated about Code Enforcement.

Judge Sloan stated that the Municipal Court is also involved with the Police Department in having a Police Officer on the school campus and dealing with the Police Officer's complaints. Judge Sloan stated that the Court is giving students an alternative of doing community services in lieu of paying a fine. Judge Sloan stated that the Court is also working with the Teen Court in providing alternative disposition of some of these cases.

Judge Sloan stated that generally things are going smoothly in the Municipal Court.

Mayor Bronaugh expressed his appreciation to Judge Sloan for his annual report.

### **13. LAKE EASTEX PARTICIPATION - TABLED**

Mayor Bronaugh stated that the next item for further consideration was participation in the Lake Eastex Project.

Bill Moreau, past president of the Texas Society of Civil Engineers, and a civil engineer with East Texas Engineering, requested to speak before the City Council on the Lake Eastex Project.

Mr. Moreau stated that what he wanted most to bring to the attention of Council is that there is a Trans-Texas Water Plan that was developed in 1993 and implemented this year, and they are in the process of trying to supply the South Central Texas (Austin-San Antonio-Corpus Christi area) with additional water supplies. Mr. Moreau stated that those areas, which depended on the Edwards Aquifer for years, are now experiencing a short supply of water. Mr. Moreau stated that the Edwards Aquifer has become a point of contention between a lot of entities, primarily the Texas Natural Resource Conservation Commission and the cities in that area. There is a lawsuit now to reduce the pumping out of the Edwards Aquifer to control the flow, to actually give the TNRCC control over the Aquifer.

Mr. Moreau stated that he is concerned because the immediate plans are to try and transfer Toledo Bend water into that area, gravity flowing it across Toledo Bend into Sam Rayburn and then into Lake Livingston, and from there pumping it 150-200 miles into systems in the Central Texas area.

Mr. Moreau stated that the areas north of Lufkin are losing pumping levels in the Carizo. Mr. Moreau stated that if the State of Texas initiates an aquifer-wide control plan it will mean that if an aquifer is losing elevation then they will control all the entities that pump from it. Mr. Moreau stated that, in his opinion, he will see within the next 10 years when the State of Texas will control aquifers and will tell you how much you can and cannot pump from the aquifer.

Mr. Moreau stated that he is not trying to promote any particular project, but because Lufkin is his hometown, it needs to be prepared in the future to have plenty of surface water.

In response to question by Councilman Gorden, Mr. Moreau stated that 26 million gallons per day is adequate for the City of Lufkin, but if the City is called on to be the regional water supplier for Diboll, Burke, and other entities by the State of Texas, it will need to have water rights above 26 million gallons per day. Mr. Moreau stated that the TNRCC has said to the river authorities that they are to develop quality standards for the water in their rivers. Mr. Moreau stated that if you read TNRCC's rules you will find that they are continually saying that they are trying to have regionalization in sewers, and, in his opinion, regionalization of water suppliers will be next. Mr. Moreau stated he expects that by the year 2000 they will have the rules in place for regionalization of water suppliers.

In response to question by Councilman Gorden, Mr. Moreau stated that his point is that, in his opinion, the City of Lufkin should be prepared to have as much water as it can afford.

Mayor Bronaugh stated that Council is saying that they think they are taking that position now with the 26 million gallons per day that the City has been paying for since 1969 is sufficient for the City of Lufkin. Mayor Bronaugh stated that Council recognizes that industry is getting more and more out of the aquifers, which is giving the Carizo Aquifer more life, extended life as far as the pumpage is concerned. Mayor Bronaugh stated that Council's opinion is that they have spent about as much of the taxpayer's money as they can for the future; 25 or 30 years from now something different may have to be done. Mayor Bronaugh stated that the City of Lufkin has put \$39,000 into the Lake Eastex project. City Manager Maclin stated that the next phase will cost \$165,000 for a 7 1/2% share.

Mr. Moreau stated that surface water will be a requirement for most all entities within 10 years, and pumping from ground water will be limited. Mayor Bronaugh stated that the City of Lufkin has made attempts to participate in a regional water system.

Councilman Bowman made the following observations: (1) In his opinion, Mr. Moreau is probably half-way right in his assumptions that the State is going to ban the use of ground water; (2) As much as he likes the Lake Eastex project (and he has always supported it), he does not feel that it is economically practical for Lufkin at this time (he would be agreeable to supporting it in a reduced role to indicate the City's interest in the continuance of the project; and, (3) There is going to be a water conference in Lufkin on December 9th. The Texas Water Development Board and the Texas Natural Resources Conservation Commission, and some officials from Austin and members of the River Authority will be meeting here to talk about water issues and how they relate to East Texas. Councilman Bowman stated that he would prefer that Council not make a decision on the Lake Eastex project until staff and Council have an opportunity to go through that forum and hear more from the officials from Austin about the situation.

In response to question by Councilman Simond, City Manager Maclin stated that the City's share on the Lake itself, based on the estimated range of 85,000,000-103,000,000, would be between 6 1/2 and 7 million dollars. City Manager Maclin stated that they are projecting that it would cost \$1.25 to \$2.00 per thousand gallons to deliver the water (the City's cost would be closer to \$2.00). In response to question by Councilman Simond, City Manager Maclin stated that he estimates the total cost to deliver the water to the City of Lufkin would be \$13,000,000.

Gary Neighbors of Angelina Neches River Authority stated that ANRA submitted a report to the City in 1991 that addressed the cost of participating in the Lake Eastex project. Mr. Nabors stated that the total costs run approximately \$150-175 million, that is to construct the lake and deliver water to every participant. Mr. Neighbors stated that the report did not indicate what portion of this amount would be Lufkin's. Mr. Neighbors stated that he recently attended a water conference where one of the issues discussed was the Edwards Aquifer and the availability of water. Mr. Neighbors stated that, in his opinion, East Texas is the next growth area in Texas.

In response to question by Councilman Weems, Mr. Neighbors stated that the City can drop back to 1% now and advance forward at a later date if the water is available. Mr. Neighbors stated that if the Lake Eastex project is not 100% committed, they will go back to the cities that stayed in the project and offer what is available to them.

In response to question by Mayor Bronaugh, Mr. Neighbors stated that at this time the project is 35% committed, and 25% pending, which includes Lufkin. Mr. Neighbors stated that the City of Lufkin will have to decide whether they want to stay in and go forward with the project.

In response to question by City Manager Maclin, Mr. Neighbors stated that Mr. Maclin would be able to express his concerns that no one from this East Texas area has been appointed to the Trans-Texas Advisory Board at the December 9th meeting. Mr. Neighbors stated that there is a Policy Management Committee who makes the appointments to the Advisory Board and they are primarily the sponsors (the large cities who are funding this project).

Mayor Bronaugh stated that, in his opinion, some of the comments made by Mr. Moreau about what will be happening in the year 2020 are a little farfetched. Mayor Bronaugh stated that the roadblocks set up for lakes will be removed and the lakes will be built to supply the needed water.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler to delay a decision on participation in the Lake Eastex Project until after December 9. A unanimous affirmative vote was recorded.

Councilman Bowman suggested that City Manager Maclin attend the water conference meeting on December 9th.

#### **14. BID - APPROVED - HYDRAULIC KNUCKLEBOOM LOADER - RECYCLING - WHITE-GMC**

Mayor Bronaugh stated that the next item for consideration was bids for purchase of a hydraulic knuckleboom loader for the Recycling Department.

City Manager Maclin stated that staff recommendation is to award the low bid of White-GMC in the amount of \$66,076, which is well within the budgeted amount of \$75,000.

Motion was made by Councilman Bob Bowman and seconded by Councilman Percy Simond that bid of White-GMC in the amount of \$66,076 be approved as submitted. A unanimous affirmative vote was recorded.

15. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:15 p. m. to enter into Executive Session. Regular Session reconvened at 7:51 p. m. and Mayor Bronaugh announced that Council had discussed appointments to Boards and legal matters.

16. APPOINTMENTS - APPROVED - LUFKIN BOARD OF DEVELOPMENT - KEVIN SMITHHART - DEBBIE JOHNSTON

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler to accept the recommendations of Kevin Smithhart and Debbie Johnston submitted by Bob Bowman, representing the Chamber of Commerce,

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that appointments be approved as presented. There were six affirmative votes. Councilman Bob Bowman recused himself from voting.

17. COMMENTS

City Manager Maclin reminded Council of the Open House tomorrow at the new Solid Waste facility from 10 to 11:00 a.m.

City Manager Maclin stated that Doug Smith, CEO, Lufkin Industries, will be the featured speaker at the First Friday luncheon.

City Manager Maclin stated that on January 9th there will be a Legislative Reception in Austin sponsored by DETDA, DETCOG, Texas Forest Service, Lufkin-Nacogdoches County Commissioners and Judges Association. Councilmembers should contact the City Manager or City Secretary for room reservations.

Councilman Bowman stated that Governor Ann Richards will be in Lufkin tomorrow for a ground breaking ceremony at the new Loral Vought site.

18. There being no further business for consideration, meeting adjourned at 7:52 p.m.

ATTEST:

  
Atha Stokes - City Secretary

  
Louis A. Bronaugh - Mayor