

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN,
TEXAS, HELD ON THE 15th DAY OF JUNE 2004

On the 15th day of June 2004, 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
Rose Faine Boyd	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Nellie Matthews	Acting City Secretary
Robert Flournoy	City Attorney
David Koonce	Director of Human Resources
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning
Debbie Fitzgerald	Assistant Public Utilities Director
Pete Prewitt	Fire Chief, Lufkin Fire Department

None being absent when the following business was transacted.

1. Meeting was opened with prayer by Reverend Dan Norman, Glad Tidings Assembly of God.
2. Mayor Louis Bronaugh welcomed visitors present.

3. Mayor Bronaugh introduced members of the Lufkin Evening Lions Club to the City of Lufkin Council Meeting. Mayor Bronaugh stated that the Lufkin Evening Lions Club has been a very important part of the City and the community for many years. After the introduction, on behalf of the Lufkin Evening Lions Club and the Texas Eye Bank, the President of the Lions Club presented a "Wall of Honor" plaque to Mayor Louis Bronaugh for his years of service, dedication, and contributions to his community. Mayor Louis Bronaugh thanked the Lufkin Evening Lions Club, stating that it was his pleasure to serve such a fine Organization and Community as well.

4. APPROVAL OF MINUTES

Minutes of the Regular Meeting of June 1, 2004 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Jack Gorden. A unanimous affirmative vote was recorded.

5. REQUEST OF ZONE CHANGE – SECOND READING - APPROVED – "LARGE SINGLE FAMILY DWELLING" TO A "COMMERCIAL DISTRICT"

Mayor Bronaugh stated that the next item for consideration on the second reading was to consider the zone change from "Large Single Family Dwelling" to land described as tract 65 & 66 out of the J. C.

Little Survey and more commonly known as 2232 and 2230 North Medford Drive. Mayor Bronaugh stated that this is a Zoning Ordinance; therefore the meeting was opened for any comments from the public on this item. After no further comments, Motion was made by Councilmember Rose Faine Boyd, and seconded by Councilmember R. L. Kuykendall to pass on Second Reading the Ordinance changing from "Large Single Family Dwelling" to "Commercial District". A unanimous affirmative vote was recorded.

6. CONSIDER A REQUEST - APPROVED - AUTHORIZING THE FIRE DEPARTMENT TO PURCHASE THREE (3) THERMAL IMAGING CAMERA SYSTEMS, TWO (2) FAST ATTACK CRADLES, AND A BREATHING AIR SYSTEM

Mayor Bronaugh stated that the next item for consideration was to consider the request authorizing the Fire Department to purchase three (3) Thermal Imaging Camera Systems, two (2) Fast Attack Cradles, and a Breathing Air System. Mayor Bronaugh stated that Fire Chief Pete Prewitt is available to answer any questions.

Chief Prewitt stated that they have brought an example of one of the cameras, and after introducing Firefighters Dustin Ledford, Sarah Wilkerson, and Battalion Chief Duane Freeman, Chief Prewitt asked them to pass the apparatus around to the Council for their review. Chief Prewitt explained that while they were initially used by the Department for "Search and Rescue" (within buildings, pitch black atmospheres, and structure fires) these are now used exclusively by the Department for numerous reasons such as: if there is a ballast in the ceiling, or an overly warm or hot electrical appliances within a wall, they can see them. They are still appropriate for rescue, e.g. if a child is crawling on the floor and goes into a closet or under a bed, they will leave a trail of hands and feet of "heat", and this helps differentiate between the two. City Manager Paul Parker stated to Chief Prewitt that it was his understanding that the Fire Department had three (3) of the existing units and this will be three (3) additional that would allow them to have in each station, with the Battalion Chief sharing the last one with the Fire Marshall. Chief Prewitt stated in response to City Manager, Paul Parker that his statement was correct. In response to Mayor Bronaugh's question regarding the significance of the color of the cameras, Chief Prewitt stated that the bright color causes them to be easy to see in fire fighting conditions, and should there be any case that they should ever drop the camera, it would be easy to locate. In response to Mayor Bronaugh's question regarding the fact that the Grant has already been set in place to pay for the purchase of the cameras, Chief Prewitt stated that they have already been approved for the Grant to purchase the cameras, Cradles, and Air Systems, and that they are all 100% funded, which means there would be no matching City funds required. Chief Prewitt stated that all that needs to be done is to order them. Chief Prewitt stated that all the bids have been met and the tallies were in Council's packet for their review and approval. In response to Mayor Bronaugh's question to explain what was a Fast Attack Cradle, Chief Prewitt stated that they were holding devices that charges the cameras. Chief Prewitt stated that there were two (2) of those, and they had three (2) cameras coming, and it was his understanding that the vendor was going to supply them with a third at no charge. Chief Prewitt stated that the cameras and holders will be mounted in the vehicles. City Manager Paul Parker stated that Chief Prewitt may want to mention to Council the Breathing Apparatus with a description of what it does also. Chief Prewitt stated that with part of that same Grant, a Compressor would also be included which would be used to fill the self contained Breathing Apparatus or SCBA. Chief Prewitt stated that their previous Compressor is about 20 years old and it will go up to about 3,000 PSI, and the new air bottles, which they will be receiving with another Grant (and has already been approved by Council) will go up to about 4,500 PSI. Chief Prewitt stated that the new compressors, which have a sealing of 6,000, will be able to fill those bottles. Chief Prewitt stated that there will also be a new cascade system for their heavy Rescue Unit as well. Chief Prewitt

stated that they have been very fortunate with the Grants they have been receiving lately, and hopefully, will have more to come. Chief Prewitt stated also that the Grant Application for the Aerial Platform Truck has now passed two (2) of the three (3) hurdles, which doesn't yet mean that they will receive them, but so far, they are alright. Chief Prewitt stated that the Aerial Platform Truck has a cost estimate of about \$640,000, and the cost to the City (which Council has also already approved) will be about \$190,000.

In response to Mayor Bronaugh's question if there were any further comments from Council, Councilmember Lynn Torres stated that she thought this was a wonderful opportunity for the Fire Department. Therefore, motion was made by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall for approval of the purchase of the three (3) Thermal Imaging Camera Systems, two (2) Fast Attack Cradles, and the Breathing Air System. A unanimous affirmative vote was recorded.

7. CONSIDER A REQUEST – APPROVED - AUTHORIZING THE SEWER REHAB DEPARTMENT TO PURCHASE A MINI EXCAVATOR

Mayor Bronaugh stated that the next item for consideration was to consider the request authorizing the Sewer Rehab Department to Purchase a Mini Excavator. City Manager Paul Parker stated that this is a request from the Sewer Rehab Department. City Manager Paul Parker stated that in the pipe bursting projects that are ongoing, they have found a need many times to have an excavator. City Manager Paul Parker stated that they have rented one on several occasions when they got into tight areas when they were working in the yards, and in other confined areas. City Manager Parker stated that they are requesting the Council to authorize the use of money that was originally allocated for other usage to be transferred over for the Mini Excavator. City Manager Parker stated that originally money was approved for a smaller dump truck item, and they believe that they now can get by without the purchase of the dump truck, yet use the funds better for the Mini Excavator. City Manager Parker stated that Debbie Fitzgerald, Assistant Public Utilities Director has stated to him that on many occasions, the City has had to lease a Mini Excavator. City Manager Parker stated that the City already has one in the Water Department, but it is sometimes not readily available, as it is in use on other projects. City Manager Parker stated that they borrow it when they can, but usually have to rent one when it is not available. City Manager Parker stated that it would be better utilization of these funds to purchase a Mini Excavator for this department.

After no further comments, a motion was made by Councilmember R. L. Kuykendall and seconded by Dennis Robertson to approve the purchase of the Mini Excavator System. A unanimous affirmative vote was recorded.

8. CONSIDER THE REQUEST – APPROVED - FROM M & M WATER SUPPLY TO ENTER INTO AN AGREEMENT FOR AN EMERGENCY WATER INTERCONNECTION WITH THE CITY OF LUFKIN

Mayor Bronaugh stated that the next item for consideration was to consider the request from M & M Water Supply to enter into an Agreement for an Emergency Water Interconnection with the City of Lufkin. City Manager Paul Parker stated that this is a request from the M & M Water Supply Corporation to have an emergency water connection for five million gallons of water per month, which would only be used in the event of an emergency system failure by their system, or an emergency listed in the communications for other similar Agreements. City Manager Paul Parker stated that the City currently has an Agreement with Woodlawn WSC, Central WCID, Angelina County Freshwater

Supply District, and Redland WSC. City Manager Paul Parker stated that the City does have extending presence for this type of emergency Agreements, and Staff recommends to Council to consider into a contract with the M & M Water Supply for emergency water, not exceeding five million gallons per month.

Councilmember Jack Gorden stated that it is his belief that this is a good deal, and the City is moving down the road toward area water type systems. Councilmember Gorden stated that it was his understanding that the City has a similar Agreement with the City of Diboll. In response to Councilmember Gorden's statement inquiring about that Agreement, Mayor Bronaugh stated that he recalled there might have been something to that effect; and directed this question to the City Attorney, Robert Flournoy. Mr. Flournoy stated that the City did have an Agreement with Huntington, in which the City sold them a water well in Fuller Springs. Debbie Fitzgerald stated that Huntington had recently capped that connection, due to the fact that they said they did not need it anymore; However, Ms. Fitzgerald stated that the City of Lufkin is still holding on to that Agreement just in case. Ms. Fitzgerald stated that Huntington has a new well, and a new Elevated Storage Tank, so they do not feel like they need it at this time. Ms. Fitzgerald stated that regarding the Agreement with Burke, the City of Lufkin now owns Burke Water Supply, so the Agreement is no longer active. In response to Councilmember Jack Gorden's question regarding having an Agreement with the City of Diboll, Ms. Fitzgerald stated not that she was aware of, although there had been some talk about it eight years ago, but she did not think it ever came about. Ms. Fitzgerald stated that she knew the City did not have one now.

Councilmember Dennis Robertson asked Ms. Fitzgerald if any of the other contracts were for five million gallons per month also. Ms. Fitzgerald stated that the majority of them were, and as the explanation stated, this would be only for use in an emergency situation. Ms. Fitzgerald stated that the City of Lufkin would be contacted by M & M Water Supply in such an emergency, and the City would be the one who would actually open the valve – they would not touch it. Ms. Fitzgerald stated that in such an emergency case, when the City goes out to open the valve, they would take a reading on the meter when it starts, and again when they are told M & M does not need anymore. Ms. Fitzgerald stated that they would then be billed for that specific water consumption. Councilmember Robertson questioned that in regard to the taps that the Water Districts have, are they secure taps; e.g. should there ever be a contamination in one of those systems, would it not ever back-flow into any of the Lufkin Systems. In response to Councilmember Robertson's question, Ms. Fitzgerald stated that was correct. Ms. Fitzgerald stated that they would be putting this connection into a "vault" system, where there would be a back-flow preventer and everything with that, so there would not be any back-flow contamination. Councilmember Robertson asked Ms. Fitzgerald if there would ever be a need for the City of Lufkin to access water from one of those Districts in case of any emergency. Ms. Fitzgerald stated that the City would probably not want to. Councilmember Robertson stated that he just wanted to make sure the City did not want to make the Agreement go both ways. Ms. Fitzgerald stated that the City has an Agreement with Abitibi in case of an emergency. Ms. Fitzgerald stated that in such emergency, the City has a connection with Abitibi's wells, which would allow the City to get water from them; so it would not be necessary to get any water from any other Water Districts. Councilmember Robertson stated that there is a somewhat general concern of potential sabotage occurring between water systems, and the City would need to prevent this sort of contamination from happening. In response to Councilmember Robertson's comment, Ms. Fitzgerald stated that again, this would be (1) a "vault" system; (2) would be underground; (3) would have a lid that would be locked down; and, (4) that it would not be visible from the road. Ms. Fitzgerald stated that she did not feel that this would be a problem as they have never before had any problems with any of the other systems.

Mayor Bronaugh asked Ms. Fitzgerald if corporations were required to have so many gallons in reserve for State regulations. Ms Fitzgerald stated that she was not aware of any requirements to have a reserve, and reiterated that this Agreement would only be used should an emergency situation occur. Ms. Fitzgerald stated that what they have seen in other areas would be that maybe they would have a well to go down (especially during the middle of the summer) and they would need additional water to supply their customers. They would then make a call to the City, in which the City would then turn it on for a time until they get the specific well fixed, and then it is turned off again.

Councilmember Don Langston stated that he noticed that under price and terms and return for such service the rates for 1 ½ times the rate for inside the City of Lufkin according to a schedule (that is not attached); when we serve someone outside the City, typically it is 1 ½ times, but those are residential type applications, Councilmember Langston asked how does the City charge for this water? Councilmember Langston asked if it was based on five million gallons of usage of a certain rate of that, or is it a sliding scale or how is that determined? Ms. Fitzgerald stated that as far as she understands, it is actual usage and it is 1 ½ times the rate. City Manager Paul Parker stated that this indeed would be a sliding scale and it would be on a "more volume" the "cheaper the rate" then it "tops off". Ms. Fitzgerald stated that statement was correct. City Manager Parker stated to Councilmember Don Langston that they would get Council the Adopted Rate Structure for commercial rates. City Manager Paul Parker stated that once they get to the maximum rate then it is the same fee from that point on. So based on the five millions that is used, it would hit the upper end of the fee structure. City Manager Parker stated that they would pay the same as a major industry in town that may use five million in the course of a month, and has a slide-in scale; and that would be on the same scale of 1 ½ times the rate. Ms. Fitzgerald stated that as far as she was aware, that in the eight years that she has been with the City, the only one that they have actually had to operate was with Huntington, and that was when their Elevated Storage Tank went down, and the others have not.

After no further comments, a motion was made by Councilmember Don Langston and seconded by Jack Gorden to approve the request of M & M Water Supply to enter into an Agreement for an Emergency Water Interconnection with the City of Lufkin. A unanimous affirmative vote was recorded.

9. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:24 p.m. to enter into Executive Session. Regular Session reconvened at 5:40 p.m. and Mayor Bronaugh stated that Council had discussed Legal or Attorney Client privileges, appointments to Boards, where no decisions were made.

10. APPOINTMENT OF VOTING MEMBERS – APPROVED - TO THE DETCOG BOARD OF DIRECTORS

Mayor Bronaugh stated that the next item on the Agenda was to consider appointment of voting members to the DETCOG Board of Directors. Mayor Bronaugh stated that each year four (4) members from the City are either appointed or reappointed to serve on the DETCOG Board each July 1st.

A motion was made by Councilmember Rose Faine Boyd to reappoint Mayor Louis Bronaugh; City Councilmembers Jack Gorden; R. L. Kuykendall; and Dennis Robertson to serve on the DETCOG

Board of Directors from the City. The motion was seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

11. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER

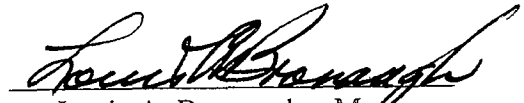
City Manager Paul Parker stated that he would like to reiterate that next Tuesday, June 22nd is the Annual Budget Retreat from 9:00 am. – 1:00 p.m., at Pine Island Lodge. City Manager Parker stated that if there were any Council Members who had an item that they would like particular attention at the Retreat, if they would contact him, he would make sure it is placed on the Agenda.

City Manager Parker stated that secondly, he would like to continue to meet individually with the Council at their pleasure, and for them to let him know when would be the best time to meet together.

City Manger Parker stated that Bob Brown visited his office today to make him aware that ONCOR is no longer the current name of the electric company. Their new name is TXU Electric Delivery.

City Manager Parker stated that included in Council's information before them, the "Silver Spike" Award Form is available for their review in case Council had someone they would like to nominate for this award.

11. There being no further business for consideration; meeting was adjourned at 5:53 p.m.


Louis A. Bronaugh – Mayor

ATTEST:


Renee Thompson, City Secretary