

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
18TH DAY OF FEBRUARY, 1997 AT 5:00 P. M.**

On the 18th day of February , 1997 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 Bronaugh
Don Boyd
Betty Jones
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Darryl Mayfield
Stephen Abraham
Bob Flournoy
Atha Stokes
Keith Wright
Kenneth R. Williams

Mayor
Mayor pro tem
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Asst. City Manager/Finance
City Planner
City Attorney
City Secretary
City Engineer
Public Works Director

being present, and

Percy Simond

Councilmember, Ward No. 1

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Lyle Hern, Minister, Herty Baptist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the minutes of the Regular Meeting of February 4, 1997 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE -
RESIDENTIAL LARGE SINGLE FAMILY TO LOCAL BUSINESS - 724
SOUTHWOOD DRIVE - JO ANN PETREE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RL" Residential Large Single Family to "LB" Local Business on property located at 724 Southwood Drive as requested by Jo Ann Petree.

Mayor Bronaugh stated that this item is a zone change that was discussed at last meeting, and because of a mix-up in the timing or an error in possibly marking their calendars, there was no one present other than the person requesting the zone change. Mayor Bronaugh stated that the first reading of the Ordinance is when Council normally has public input and the second reading of the Ordinance is more of a routine meeting. Mayor Bronaugh stated that he has received a request from several people in the audience to speak on this item.

Mrs. Petree stated that she would like to thank everyone who has taken time to help her in this request and especially the community that has shown such an interest in this area. Mrs. Petree stated that she also lives in this one block area on Southwood; she does not just drive by it on her way to the bank, but lives there.

Mrs. Petree stated that she is very upset with the deplorable conditions that are surrounding her in this area.

Mrs. Petree stated that, in her opinion, a zone change in this one block area will encourage new investment, new money to clean this area up and stop the declining deterioration that is growing straight towards the residential area. Mrs. Petree stated that there are rats, goats tied in the back yards of these people homes, and gatherings in the empty lots at night. Mrs. Petree stated that because this one block area is a Commercial area she does not look for anyone to be building a home in this area or purchasing land in this area to that purpose. Mrs. Petree stated that she could understand everyone's concern, but they have tried it this way for over 10 years and it is getting worse. Mrs. Petree stated that she bought her property a year ago and started doing improvements, removed old dilapidated buildings from the rear of her property, removed overgrowth and trees, and put on a new roof. Mrs. Petree stated that she lives on this property and is very concerned because she does live here. Mrs. Petree stated that, in her opinion, the zone change would improve the conditions going in that direction.

George Watts, IV, stated that he had spoken to most of the Councilmembers by telephone after the February 4th City Council meeting, at which time the first reading of this request was made. Mr. Watts stated that he was unable to reach some of the Councilmembers by telephone, but did send each Councilmember a letter explaining the reasons behind the rationale underlying the homeowners very deep concerns. Mr. Watts asked that the homeowners in the immediate area to stand so that Councilmembers could see how many people were attending the meeting in opposition to the request. Mr. Watts stated that he was hoping that a petition that was circulated in the immediate neighborhood had found its way to each Councilmember in Saturday's mail. Mr. Watts stated that the petition had over 120 signatures of local residents who were also in opposition of this request. Mr. Watts stated that with respect to the petition, no one declined to execute the petition who was asked.

Mr. Watts stated that basically the homeowners are most concerned about the potential approval of the request, and the rationale behind it is because of probable erosion of the City's tax base as a result of creeping commercialism in this neighborhood. Mr. Watts stated that the other concern has to do with traffic circulation and safety. Mr. Watts stated that Southwood Drive is not designed for the traffic count, and Mrs. Petree's establishment will have in addition to the other three or four lots along Southwood in the event they were made commercial that would increase the traffic flow and likelihood of traffic accidents along Southwood Drive. Mr. Watts stated that with increased traffic flow comes a big capital expense for the City to maintain a deteriorating roadway. Mr. Watts stated that he wanted to mention the maintenance of the integrity of the neighborhood and did not want the City Council to somehow believe that by changing the zoning on this property, or this block, is not in any way going to magically clean up this area. Mr. Watts stated that the clean up needs to be taken underway by the City through its own administrative and code enforcement procedures. Mr. Watts stated that in the event one of the businesses fails, the zoning itself stays on that property, and the concern long range is that once the property is vacated and left in a lesser state than it was at the beginning that the next business will take the business over in a lesser state and if that business happens to leave then the property continues on a downward spiral and eventually erodes the tax base of the City. Mr. Watts stated that this is the concern of the homeowners, and on behalf of this group, they urge the Council to please deny this request.

Councilmember Jones stated that she would like to point out that there has been some confusion in the terms that have been used in that the request is for change to Local Business and they have heard the term "Commercial". Councilmember Jones requested that Mr. Abraham explain the difference between Local Business and Commercial and the impact it might have. Mr. Abraham stated that the difference is the number of uses that are allowed; there are probably 75 different

uses allowed in Commercial that are not allowed in Local Business. Mr. Abraham stated that there are certain standards such as screening requirements when a Local Business zoning classification abuts a residential property that is not required in a Commercial. Mr. Abraham stated that it is his opinion that the residents are using the term "Commercial" in the generic sense, as in non-residential. Mr. Abraham stated that it is his opinion that the residents understand that the request is for Local Business zoning classification, they are just using the term "Commercial" as a generic non-residential meaning.

Councilmember Jones asked if anyone was present who might reside the the adjacent block or across the street from this property. Woody Cooper stated that almost directly across the street there is a large vacant area before the houses start.

In response to question by Councilmember Bowman that he recalled in the Council meeting discussion two weeks ago that the basic change in this request is to allow Mrs. Petree to put a sign out front, Mr. Abraham stated that that is one of the ramifications that would occur with a change to Local Business. Mr. Abraham stated that the Planning Department has not actually made a determination whether Mrs. Petree could operate as a Customary Home Occupation. Mr. Abraham stated that with a Customary Home Occupation the Planning Department will have to monitor to see that the resident does not fall out of compliance and is nothing that can be predetermined. Mr. Abraham stated that there are two particular issues he would be concerned about with a Customary Home Occupation, and they are (1) to operate as a Customary Home Occupation you cannot significantly increase traffic and that is determined by complaints. Mr. Abraham stated that if complaints are received he goes out and takes pictures of the cars, and with parking it is an indication that the resident has increased traffic significantly. Mr. Abraham stated that (2) they are not allowed to have any outside employees, all employees must live in the house. Mr. Abraham stated that each resident who has a Customary Home Occupation designation is told the rules up front, but they are also monitored for compliance. Mr. Abraham stated that as a Customary Home Occupation they would not be allowed to have a sign or display any commodities.

In response to question by Mayor Bronaugh, Mr. Abraham stated that on the property around the corner on Pershing they ended up allowing nine parking spaces for the beauty shop. Mayor Bronaugh stated that he was concerned that if there is a wedding at Mrs. Petree's wedding chapel and there are 35 people there, where will these people park. Mayor Bronaugh asked if a wedding chapel would have a different parking requirement than a beauty shop. Mr. Abraham stated that this depends on the zoning classification, if they are in a Local Business the operation itself is based on the structure size and not the actual use that goes in there. Mr. Abraham stated that in this situation, with the size of the house that is there, the structure off the tax rolls, would determine that five parking spaces are all that the City can require. Mr. Abraham stated that obviously Mrs. Petree could put in more parking spaces to accommodate her overflow.

Mrs. Petree stated that she would like to make one clarification. Mrs. Petree stated that she has two acres with one acre and a quarter behind the gazebo for parking if she needed it. Mrs. Petree stated that almost eight months ago she was issued a license by the City of Lufkin for ten years to operate the business there. Mrs. Petree stated that she spoke to someone about the count for the increase on cars would be 1/10th of 1% on north Southwood, which is a very slight amount.

Jule Fenley, addressing Councilmember Jones' question about people present who lives in the immediate block, stated that Mr. Griggs who lives across the street from Mrs. Petree at 733 Southwood Drive was unable to attend the meeting tonight, but did sign the petition.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that the zone change as requested by Jo Ann Petree from "RL" Residential Large Single Family to "LB" Local Business on property

located at 724 Southwood Drive be denied on Second and Final Reading.

The following vote was recorded:

Aye: Councilmembers Gorden, Bowman, Jones, Weems and Mayor Bronaugh
Nay: Councilmember Boyd

Motion carried with a 5 to 1 vote.

Mayor Bronaugh stated to Mrs. Petree that the vote had just been taken and the request had been denied on Second Reading of the Ordinance. Mayor Bronaugh stated that this means that she will no longer be able to operate a wedding chapel at this address. Mayor Bronaugh stated that he would like for Mrs. Petree and Mr. Abraham to get together and discuss the Customary Home Occupation.

Mrs. Petree stated that the City of Lufkin had issued her a license to operate a business at this location for 10 years. City Manager Maclin stated that the license Mrs. Petree had was an incorporation of a business license issued by the County Clerk's office.

Mayor Bronaugh stated that generally the City Council goes along with the recommendations of the Planning & Zoning Commission. Mayor Bronaugh stated that at First Reading of the Ordinance, since there was no opposition, Council voted against their recommendation. Mayor Bronaugh stated that he wanted to apologize to Mrs. Petree for the inconvenience of this situation.

5. ORDINANCE - APPROVED - SECOND READING - CITY ELECTION - ESTABLISHING POLLING PLACES - SETTING ELECTION DATE

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance providing for the calling of a City election, establishing polling places and setting a date for the election. Mayor Bronaugh stated that positions for Councilmember of Ward 2, Councilmember of Ward 4 and the Mayor will be voted on.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that the Ordinance providing for the calling of a City election, establishing polling places and setting the date for the election as Saturday, May 3, 1997 be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. AMENDMENT - APPROVED - ZONING ORDINANCE - FIRST READING - 'PUD' PLANNED UNIT DEVELOPMENT DISTRICT

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Amendment of the Zoning Ordinance (Ordinance 1146) as it relates to the "PUD" Planned Unit Development District.

City Manager Maclin stated that, in his opinion, this is a very positive step from the Planning Department.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the Amendment to the Zoning Ordinance, as it relates to the "PUD" Planned Unit Development District, be approved on Second and Final Reading as presented.

The following vote was recorded:

Aye: Councilmembers Boyd, Gorden, Jones, Bowman and Mayor Bronaugh
Nay: Councilmember Weems

Motion carried with a 5 to 1 vote.

7. ORDINANCE - APPROVED - SECOND READING - ABANDONMENT OF UNDEVELOPED RIGHTS-OF-WAY - BURKE CENTER - GREGORY AND GARY STREETS - FOREST ACRES SUBDIVISION - WAYNE HAGLUND

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to abandon the undeveloped rights-o-way of Gregory and Gary Streets located off Freeman Street in the undeveloped Forest Acres Subdivision as requested by Wayne Haglund, on behalf of Burke Center.

Councilmember Weems asked what was the future of the City in regard to development in that direction. Councilmember Weems asked if the City annexed property on the other side of this property, will we have to buy this property back. City Manager Maclin stated that part of this property is in the County and part of it is in the City Limits.

Keith Wright, City Engineer, stated that this is an old plat that was never developed. Mr. Wright stated that very little of the right-of-way is actually in the City, and it would not be of any use to the City as far as any type of development. Mr. Wright stated that a small section of the unbuilt streets that were platted and in the event in the future if the City annexes that property any developer who came in and developed the property would have to replat. Mr. Wright stated basically at this time the property is a liability to the City, since there is no tax revenue. City Manager Maclin stated that a developer would be responsible for paying for the streets, not the City.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance to abandon the undeveloped rights-of-way of Gregory and Gary Streets located off Freeman Street in the undeveloped Forest Acres Subdivision as requested by Wayne Haglund on behalf of Burke Center be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. CONTRACT - APPROVED - GRANT MANAGEMENT SERVICES - 1996 HOME HOMEBUYER ASSISTANCE PROGRAM GRANT - GARY R. TRAYLOR & ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was a Contract with Gary R. Traylor & Associates, Inc. for grant management services for the City's 1996 HOME Homebuyer Assistance Program Grant.

City Manager Maclin stated that a few months ago the City was successful in receiving a grant from the Texas Department of Housing and Community Affairs for homebuyer assistance under an affordable housing program sponsored by TDHCA. City Manager Maclin stated that Mr. Traylor was the consultant who assisted the City in the preparation of the application and submittal of the application to TDHCA. City Manager Maclin stated that this Contract enclosed in the packet delineates the services and responsibilities Mr. Traylor would execute for the City. City Manager Maclin stated that the staff recommendation is for approval of the Contract.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that contract with Gary R. Traylor & Associates, Inc. for grant management services for the City's 1996 HOME Homebuyer Assistance Program Grant be approved as presented.

The following vote was recorded:

Aye: Councilmembers Boyd, Gorden, Bowman and Mayor Bronaugh
Nay: Councilmembers Weems and Jones

Motion carried with a 4 to 2 vote.

9. LOCAL LAW ENFORCEMENT BLOCK GRANT - APPROVED - ADVISORY BOARD RECOMMENDATION

Mayor Bronaugh stated that the next item for consideration was the Advisory Board's recommendation of expenditures for Local Law Enforcement Block Grant.

City Manager Maclin stated that enclosed in the Council packet is a memo from Chief Collins delineating the Bureau of Justice Assistance Local Law Enforcement Block Grant program that the City has received tentative approval of. City Manager Maclin stated that the City has also delineated an advisory committee that was formed in compliance with the Federal Government regulations relating to this grant program. City Manager Maclin stated that also included is a block grant decision package or budget that the committee proposed for nine items to be purchased, and unanimous approval by the committee members: Judge John Sloan, City Judge, Art Bauereiss, Asst. District Attorney, David Sharp, Superintendent of LISD, Phyllis Grandgeorge, Alcohol and Drug Abuse Council, and Sherman Collins, Chief of Police.

City Manager Maclin stated that Chief Collins, Sgt. Marcotte and Lt. Shapaka were present to answer any questions.

Mayor Bronaugh complimented the Police Department representatives on the work they have done on this program.

Mayor Bronaugh stated that the total amount of the grant is \$60,075, and the City's part is \$6,007.

In response to question by Councilmember Boyd, City Manager Maclin stated that the City's \$6,007 will come from forfeited funds.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that the recommendation of the Local Law Enforcement Block Grant be approved as presented. A unanimous affirmative vote was recorded.

10. BID - APPROVED - REHABILITATION OF WATER WELLS 5 AND 9 - ALSAY COMPANY

Mayor Bronaugh stated that the next item for consideration was bids for the rehabilitation of water wells 5 and 9.

City Manager Maclin stated that included in the Council packet is a memo and a bid tabulation for these repairs which were budgeted in the 1996-'97 fiscal budget. City Manager Maclin stated that three bids were received (Alsay Company, Layne-Texas and Weisinger), and the staff recommendation is the low bid of Alsay Company in the amount of \$186,350.

In response to question by Mayor Bronaugh, City Manager Maclin stated that \$200,000 had been budgeted for these repairs.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman bid of Alsay Company in the amount of \$186,350 for the rehabilitation of water wells 5 and 9 approved as submitted. A unanimous affirmative vote was recorded.

In response to question by Councilmember Bowman, Mr. Wright stated that they have allotted 120 days for both jobs, but extended it to 150 days at the request of the supplier due to pump ordering. Mr. Wright stated that he anticipates that well #9

will be completed first because it is one of the high capacity wells. Mr. Wright stated that well #5 is a much lower capacity that pumps a lot of sand and it will be rehabbed second. Mr. Wright stated that if Council is concerned about summer, wells #5 and #9 will have a very small overlap. Mr. Wright stated that well #5 should be on line in June, which is prior to the City's peak demand. Mr. Wright stated that both wells should be finished in July.

Mr. Wright stated that he is trying to bid out the new well in March. Mr. Wright stated that staff is in the process of closing on the site and this well should also be on line in July.

City Manager Maclin stated that he had received the contract from Champion for emergency use of well 14.

In response to question by Councilmember Gorden, Mr. Wright stated that he plans to have wells #5 and #9 and the new well on line functional in July.

11. REVIEW AND APPROVAL OF PLANS - MARTIN LUTHER KING BLVD. BOND PROGRAM

Mayor Bronaugh stated that the next item for consideration was the review and approval of plans for the Martin Luther King Blvd. Bond Program.

City Manager Maclin stated that included in the Council packet is a memo from the City Engineer. City Manager Maclin stated that Bill Moreau and Mr. Brown had been invited to come and give Council a brief overview of the plans and specifications for Martin Luther King Blvd. and give Council an opportunity for any comments, additions, deletions that they might suggest prior to going to bid. City Manager Maclin stated that hopefully by the end of next month the sewer line relocation will be completed and shortly after that Mr. Moreau will be ready to go to bid on this project.

Mr. Wright stated that staff had received the MLK plans approximately a month ago and reviewed them as far as meeting the City's specifications and returned them back to East Texas Engineering. Mr. Wright stated that he feels fairly comfortable with the plans as they were presented with some minor modifications.

Mr. Wright stated that he is hoping to bid the project in late April or early May and be in construction immediately following school being closed so that they can do the first section of the road near Dunbar Immediate School and work around LISD. Mr. Wright stated that they will immediately come back towards Abney and do that section. Mr. Wright stated that the plans were available, and invited Councilmembers to review them.

Mr. Brown stated that basically this is a 38 flip back to back curb thoroughfare from the intersection of Abney and MLK near the railroad track out to Loop 287 on the north side of town near the Exposition Center. Mr. Brown stated that they have included storm sewers, drainage facilities, there is one area just north of Dunbar in the housing development on MLK that does not have curb and gutter, the rest of it will have curb and gutter throughout. Mr. Brown stated that this street will be similar to Feagin Drive.

In response to question by Councilmember Bowman, Mr. Brown stated that they have straightened out the curve where the two streets come together at the railroad track (Abney and MLK), and in their alignment it pulls MLK further away from the railroad track as you go toward the north. Mr. Brown stated that this should allow for easier travel for those who come off the railroad track and for those who are coming south on MLK who want to go on back towards Raguet. Mr. Brown stated that this is a somewhat awkward intersection but every effort has been made to improve the alignments so that there is not such a sharp turn as you cross the railroad tracks and also to allow for freer travel coming from the north towards the

south. Mr. Wright stated that a much wider road will make this intersection safer also.

In response to question by Councilmember Weems, Mr. Wright stated that more than likely in the future as far as traffic volumes, a lot of traffic will be moved into MLK to get to the other side of the Loop.

In response to question by Councilmember Boyd, Mr. Wright stated it was originally proposed that MLK would be a three lane street and one of the decisions that was made early on was that since this section was not developed, and the Country Club was on the West side and a long section where nothing was developed as you go into a curb in the near future, that they would just do a 24' section of Tulane Street and have shoulders on either side of it with the intentions that once this is developed that that road could be expanded out. Mr. Wright stated that they were looking for a way to save some additional money since they had a high acquisition cost on MLK. Mr. Wright stated that he has discussed this with Mr. Moreau and Mr. Brown and he would like to go ahead and put the street in as it was originally intended, and as soon as the bids come in they will meet with the City Manager and when they make the presentation to Council they may find that they have enough money to go ahead and continue to develop the road out. Councilmember Boyd stated that usually the longer you wait to do something like this the more expensive it becomes. Mr. Wright stated that the shoulder is basically a waste, and once it is developed out later it will be eliminated. Mr. Wright stated that he was not involved in the original plans, but, in his opinion, this was an effort to try and save money. Mr. Wright stated that curb and gutter will mean that you will have to have storm sewers, backfill and things that would run the cost up. Mr. Wright stated that these will be presented as bid items.

In response to question by Councilmember Boyd, Mr. Wright stated that there is a concrete base bid and there is an alternate for asphalt. Mr. Wright stated that the concrete would be a 6 1/2" pavement thickness with a 7 1/2" thickness near the Loop. Mr. Brown stated that actually there are two areas where there will be 7 1/2" thickness and they are the area where Abney comes to the railroad track because there is a concrete plant and some heavy truck traffic in that intersection, and at the far north end where McCoy's and Brookshire Bros. warehouse is located. Mr. Brown stated that the rest of the street will be 6 1/2" thickness. Mr. Wright stated that there is an 8" subgrade underneath that will be lime stabilized. Mr. Wright stated that if it is the asphalt option there is a 2 1/2" asphalt pavement will be 8" and another 8" of lime stabilization under that.

In response to question by Councilmember Boyd, Mr. Wright stated that staff and the engineers will look at the long term effects of concrete versus asphalt, and the economics over a 20 year period. Councilmember Boyd stated that, in his opinion, it would be cheaper to go with concrete.

In response to question by Councilmember Boyd, Mr. Wright stated that included in the bids is sidewalks along Jones Park all the way down to Dunbar and then across the street there will be another 6" sidewalk that goes up into the housing development. Mr. Wright stated that at this time there are no plans for sidewalks on the other side of Kurth Drive. Mr. Wright stated that if there is money left over then it would be at the Council's discretion. Councilmember Boyd stated that there is a lot of foot traffic in this area and if people have to walk in the streets there is always the chance they will be hit. City Manager Maclin stated that the sidewalk from Kurth to Abney can be added if Council so desires on a linear foot additive to the bid.

Councilmember Weems stated that he had not looked at the plans and would suggest that if the Administrative Staff is comfortable with the plans that be approved as presented. City Manager Maclin stated that staff is recommending this, but wanted to give Council an opportunity and he did offer the Council in his newsletter ten days ago to come by and meet with the City Engineer to review the

plans.

In response to question by Mayor Bronaugh, City Manager Maclin stated that Council will have flexibility in the curb and gutter north of Pine Wood Park Apartments and in what Councilmember Boyd mentioned in regard to the sidewalk from Kurth to Abney.

In response to question by Mayor Bronaugh, Mr. Wright stated that there had been concern about money based on the amount of acquisition that the City would have to go through in moving houses and relocating people; a lot of money was spent that was not budgeted.

Mr. Wright stated that he had reviewed the plans with Mr. Simond today.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that plans for the Martin Luther King Blvd. Bond Program be approved with revisions that have been discussed (sidewalks from Kurth to Abney and the curb and gutter north of Pine Wood Park Apartments). A unanimous affirmative vote was recorded.

12. REVIEW AND APPROVAL OF PLANS - TULANE DRIVE BOND PROGRAM

Mayor Bronaugh stated that the next item for consideration was the review and approval of plans for the Tulane Drive Bond Program.

City Manager Maclin stated that Phillip Goodwin of Goodwin-Lasiter has presented his plans for the Tulane Drive Bond Program and the City Engineer has reviewed them. City Manager Maclin stated that staff is proposing to Council that they be allowed to bid this out in phases so that they can take advantage of that portion of the project which acquisition has been completed on and has minimal utility relocations so that the project can get underway. City Manager Maclin stated that by breaking it up in phases the City might be able to receive more bids because if it is bid from one end to the other end the cost of the project might be a little more than some contractor's can get bonding for and that might improve our competitive bidding prospects.

Mr. Wright stated that this is a similar situation to what has been proposed on MLK as far as pavement cross section, and when the bids are received there will be a lot of flexibility as far as what the Council would have opportunity for input into the process.

Mr. Goodwin stated that he was present to present a summary and update of the Tulane Drive improvements. Mr. Goodwin stated that in December he submitted the construction plans to the City to be reviewed. Mr. Goodwin stated that the current status of the acquisition is that half of the parcels have been acquired and the other half remaining will be approximately three months as estimated by Sid Medford. Mr. Goodwin stated that as Mr. Maclin stated, they hope to bid this in three phases. Mr. Goodwin stated that Mr. Medford stated that the acquisition for the first phase could be completed in a month because it only requires acquisition of three parcels.

Mr. Goodwin stated that several months ago when this project first started there were some issues on the alignment that had to be brought before the City Council on the north end and south end regarding the overall alignment. Mr. Goodwin stated that essentially the alignment goes down by Grandy's, the present alignment of Third Street, and makes a gentle curve through Kiwanis Park and meets back up with the existing alignment of Tulane at the apartments by Kiwanis Park, stays with the existing alignment of Tulane until it gets past the intersection of Brown Street on the south side and then makes another gentle curve and ties into the alignment of David Street near White House Drive.

In response to question by Mayor Bronaugh, Mr. Wright stated that the clearing that is taking place on White House Drive is for a new subdivision that is going in at that location. Mr. Wright stated that the City is requiring the developer to line up Tulane to continue as a major thoroughfare. Mr. Wright stated that the City can require the developer to build his street to the thoroughfare standards, however, he will also be required to build the street to the specifications for the original Tulane. Mr. Wright stated that there will be some thickness in concrete that the City will have to compensate the developer for, and there will be some upgrade on his part.

Mr. Goodwin stated that as the improvements are made to Tulane there will be some specific drainage improvements that they will do along the route, mainly to control the drainage a little better in a curb and gutter section; they will also put in inlets and storm sewer pipe and in several locations the culverts will be upsized because the present culverts do not meet the present comprehensive plan for drainage improvements. Mr. Goodwin stated that all of the design will comply with the comprehensive plan.

Mr. Goodwin stated that as they looked at the project there are some specific delineation points along the alignment of Tulane, which begins at Timberland and will continue continuously until it gets to Lufkin Mall, which is already a curb and gutter section, and it will be stopped there. Mr. Goodwin stated that they will pick up again on the south side of the Loop and build a short section between the Loop and Harmony Hill, which is a State maintained highway, and will pick up on the south side of Harmony Hill and continue on to White House Drive. Mr. Goodwin stated that with those natural delineation points he felt like they would receive more competitive bids to let smaller contractors bid. Mr. Goodwin stated that they propose the first phase to be the short section to be from the Loop to Harmony Hill, the second phase would be the section between Timberland and the Loop, and the third phase would be the section between Harmony Hill and White House Drive.

Mr. Goodwin stated that it appears that the acquisition process will track very closely to this because Mr. Medford seemed to think that this would be the order of his success in acquiring the remaining properties.

In response to question by Councilmember Bowman, Mr. Goodwin stated that the land from the south Loop section to Harmony Hill has not been acquired but they have had preliminary contacts with two of the owners, and the third owner has not yet been contacted. Mr. Goodwin stated that Mr. Medford felt comfortable in that this would be doable.

In response to question by Councilmember Bowman, Mr. Goodwin stated that the schedule for finishing the short section should take approximately 90 days to finish. Mr. Goodwin stated that they will need to review some utility improvements but they should be relatively minor.

In response to question by Mayor Bronaugh, Mr. Goodwin stated that they will extend both ends of the existing bridge.

In response to question by Councilmember Gorden, Mr. Goodwin stated that there will be a stop at Timberland and another stop at the Loop, a stop at Harmony Hill and the last stop at White House Drive. City Manager Maclin stated that Harmony Hill is mandated by the State since it is a Farm-to-Market Road, which takes precedence over the City.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that plans for the Tulane Drive Bond Program be approved as presented. A unanimous affirmative vote was recorded.

13. BID - APPROVED - REAR LOADING GARBAGE TRUCK - SOLID WASTE DEPARTMENT - LONE STAR TRUCK CENTER

Mayor Bronaugh stated that the next item for consideration was bids to purchase a rear loading garbage truck for the Solid Waste Department.

City Manager Maclin stated that included in the Council packet is a memo from the Assistant City Manager along with bid tabulations. City Manager Maclin stated that the staff recommendation is the low bid of Lone Star Truck Center in Lufkin in the amount of \$79,707.

Councilmember Gorden asked if this was a reasonable price for this truck. City Manager Maclin stated that the bid was within the budgeted amount.

In response to question by City Manager Maclin, Purchasing Director David Cochran stated that Mack Truck bid on this equipment but told him that it would be 180 days or longer before they could get a truck in stock. Mr. Cochran stated that, in his opinion, more bids were not received because of the market for this particular truck.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that bid of Lone Star Truck Center in the amount of \$79,707 for the purchase of a rear loading garbage truck for the Solid Waste Department be approved as submitted. A unanimous affirmative vote was recorded.

14. BID - APPROVED - RUBBER-TIRED LOADER - RECYCLING CENTER - TEXAS TIMBERJACK

Mayor Bronaugh stated that the next item for consideration was bids for a rubber-tired loader for the Solid Waste Department.

City Manager Maclin stated that this piece of equipment is for composting. City Manager Maclin stated that the low bid is from TimberJack including the optional five year warranty for a total bid of \$95,015.32. The budgeted amount was \$120,000.

In response to question by Councilmember Gorden, City Manager Maclin stated that Dennis Webster had requested that this piece of equipment be demonstrated at the Recycling Center so that he could get a better understanding of the equipment. Mr. Webster stated that he had asked for references and had called them, and the people that he talked to were impressed with the equipment, but were more impressed with TimberJack service.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that bid of Texas Timberjack in the amount of \$95,015.32 for the purchase of a rubber-tired loader for the Solid Waste Department be approved as submitted. A unanimous affirmative vote was recorded.

15. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:05 p.m. to enter into Executive Session. Mayor Bronaugh reconvened the meeting at 6:37 p.m. and stated that Council had discussed real estate matters with the City Attorney.

16. COMMENTS


City Manager Maclin stated that he had received a letter from the Texas Floodplain Management Association dated February 12 indicating that Keith Wright, City Engineer, has become one of the first local administrators in the State of Texas to attain the designation of Certified Floodplain Manager. City Manager Maclin stated that there are only 24 Certified Floodplain Managers across the State of Texas. City Manager Maclin stated that this is a very complimentary letter stating that Mr.


Wright has passed the certification test, completed the application process and they are indicating that the City of Lufkin is very fortunate to have a knowledgeable professional of this nature to address flood problems in this area.

City Manager Maclin stated that a copy of the February calendar indicating the Departments that he will be visiting with had been placed on the Council table.

City Manager Maclin stated that a copy of the Street Department's monthly report had been placed on the Council table. City Manager Maclin called attention to page 2 of the report which lists the culverts that have been cleaned.

17. There being no further business for consideration, meeting adjourned at 6:39 p.m.


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary