

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
LUFKIN, TEXAS, HELD ON THE  
17<sup>th</sup> OF DECEMBER 2002**

On the 17<sup>th</sup> day of December 2002 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
Lynn Torres	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Rose Faine Boyd	Councilmember, Ward No. 2
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
C. G. Maclin	City Manager
James Hager	Asst. City Manager
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

being present, and

Dennis Robertson                      Councilmember, Ward No. 6

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bettie Kennedy. Mayor Bronaugh introduced Damien Porchia as Rev. Kennedy's guest at tonight's meeting.
2. Mayor Bronaugh welcomed visitors present. Mayor pro tem Torres stated that there was a contingent of High School seniors in the audience who were attending the meeting tonight to fulfill a government class requirement.

Mayor Bronaugh read a letter from Jetta Koch Westerholm addressed to the Mayor and Council.

**3. PRESENTATION OF RESOLUTION - COUNCILMEMBER DON BOYD**

Jackie Levingston, Mayor pro tem of the City of Groesbeck, and 2002-2003 TML President, presented Councilmember Rose Boyd with a Resolution in memory of Councilmember Don Boyd. Also present was Karla Vining, Deputy Director of the Texas Municipal League.

**4. APPROVAL OF MINUTES**

Minutes of the Regular Meeting of December 3, 2002 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman. A unanimous affirmative vote was recorded.

**5. ORDINANCE – TABLED – FIRST READING – MEDIUM SINGLE FAMILY DWELLING – NEIGHBORHOOD RETAIL – 2425 OLD MILL ROAD – TURNER EUGENE CRAWFORD**

Mayor Bronaugh stated that the next item for consideration was a request by Turner Eugene Crawford to change the zoning from "Medium Single Family Dwelling" to a "Neighborhood Retail" zoning district on approximately 0.12 acres of land described as tract 563 of the V. Micheli Survey (Abstract No. 29) and more commonly known as 2425 Old Mill Road.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department in terms of the zone change request. Mr. Maclin stated that there are some notations about the Comprehensive Plans Future Land Use Plan that could be appropriate for long-range development as Retail, specifically a Neighborhood Retail because it is the most restrictive zoning district that is consistent with the recommendation of the Comprehensive Plan. Mr. Maclin stated that if the zoning is approved, an asphalt or concrete parking area for a minimum of three vehicles and an opaque screening device along the property lines abutting the residentially zoned properties that surround the subject site must be provided prior to the issuance of a Certificate of Occupancy. Mr. Maclin stated that additionally, the following limitations would apply in a "Neighborhood Retail" zoning district: No use may occupy more than 3,000 SF, and no use may operate before 6:00 a.m. or after 11:00 p.m.

City Manager Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends the request for this zoning change be approved. Mr. Maclin stated that due to the fact that 20% or more of the landowners within 200' of the subject property have filed a written protest against the zone change, it would require a 4/5's affirmative vote by the City Council for approval, which today would mean a unanimous vote of all six Councilmembers.

Ina Flowers stated that she owns over 400 acres within 200' of the subject property. Mrs. Flowers stated that she has been living at her present location since 1942 and she and her husband have raised four children there. Mrs. Flowers stated that she is requesting that the zone change not be approved at this time.

Mary Beth Modisette stated that she lives next door to the subject property and was present to oppose the zone change request. Mrs. Modisette stated that she was not opposed to the barber shop but was concerned about what would be there if the barber shop closed.

In response to question by Councilmember Torres, Mr. Hager stated that this is an existing building that is being purchased and would be turned into a barbershop.

Councilmember Gorden stated that personally he thought this would be a nice addition to the neighborhood, but does understand Mrs. Flower's concern as a long time resident.

Motion was made by Councilmember Jack Gorden, Jr. that the zone change from "Medium Single Family Dwelling" to a "Neighborhood Retail" zoning district on approximately 0.12 acres of land described as tract 563 of the V. Micheli Survey (Abstract No. 19) and more commonly known as 2425 Old Mill Road be approved on First Reading as presented.

Motion died for lack of a second.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Rose Faine Boyd that Ordinance changing the zoning from "Medium Single Family Dwelling" to a "Neighborhood Retail" zoning district on approximately 0.12 acres of land described as tract 563 of the V. Micheli Survey (Abstract No. 29) and more commonly known as 2425 Old Mill Road be denied.

City Manager Maclin stated that staff is prepared to deal with the issue of denial in that Council would need to amend the Comprehensive Plan. Mr. Maclin stated that it would be inappropriate for Council to deny the request without amending the Comprehensive Plan to reflect appropriate land use. Mr. Maclin passed out a statement and map prepared by the City Planner. Mr. Maclin stated that he would ask that as Council takes their vote, if a motion and a second is concurring, that it would include this consideration and revision of the Comprehensive Plan.

City Attorney Flournoy stated that this request would have to be tabled and a separate motion made to approve the amendment to the Comprehensive Plan.

City Manager Maclin stated that the handout provides Council with a methodology for revising the Comprehensive Use Plan. Mr. Maclin stated that it is staff's opinion that in order to maintain consistency with the Comprehensive Land Use Plan, the original plan would need to be modified. In response to question by Councilmember Gorden, Mr. Maclin stated that staff IS attempting to facilitate the minimization of deterrence from the Comprehensive Plan.

In response to question by Councilmember Gorden, Mr. Hager stated that what the Comprehensive Plan currently reflects would be that it would turn the retail to low density residential. Mr. Hager stated that what staff is proposing is that in the red block on the map that was passed out, they would turn the low density residential to retail. Mr. Hager stated that there is no access to this property and this ownership is the same that has access to John Redditt Drive (Loop 287). Mr. Hager stated that in this way they would push the retail north so that the area reflected in red would be changed to retail and the other in yellow would remain as low density residential. Mr. Hager stated that he had spoken to Mr. Abraham and this is a case where you could make a fairly good argument either way. Mr. Hager stated that there is low density residential already in that area. Mr. Hager stated that in the Land Use Plan, in looking at the configuration of the properties, the other portion that Mr. Abraham had outlined that would go from low density residential to retail makes some good sense in land use to go ahead and re-zone or change the Land Use Plan to Retail in that area. Mr. Hager stated that Mrs. Durham owns the property under consideration and Mr. Tullos owns the larger portion that is adjacent.

In response to question by Councilmember Gorden, Mr. Hager stated that Mrs. Modisette owns parcel #4 as indicated on the map and has spoken in opposition to the request.

City Manager Maclin stated that the short version of what this is attempting to do is just correct the Comprehensive Plan to reflect the desires of Council to maintain this as a residential piece of property.

Councilmember Gorden stated that he appreciated the extra detail in case this request did not pass, but did not like the idea of having to deal with it because it did not pass right then. Mr. Maclin stated that if Council wanted to table this request and bring it back in a couple of week to re-consider it, then they could do that.

Mayor Bronaugh stated that he would take up the motion to deny this request.

The following vote was recorded:

Aye: R. L. Kuykendall, Rose Faine Boyd

Nay: Lynn Torres, Jack Gorden, Jr., Bob Bowman, Mayor Bronaugh

Motion failed by a vote of 2 to 4.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that the request of Turner Eugene Crawford to change the zoning from "Medium Single Family Dwelling" to a "Neighborhood Retail" zoning district on approximately 0.12 acres of land described as Tract 563 of the V. Micheli Survey (Abstract No. 29) and more commonly known as 2425 Old Mill Road be tabled.

The following vote was recorded:

Aye: Councilmembers Bowman, Gorden, Torres, and Mayor Bronaugh

Nay: Councilmembers Kuykendall and Boyd

Motion carried with a 4 to 2 vote.

Mr. Crawford stated that he had been running a barbershop in Lufkin for close to 40 years and was sympathetic with the folks who do not want the zone change. Mr. Crawford stated that if he were living in the area he might have the same feeling. Mr. Crawford stated that he had no intention of ever selling this property for any other kind of business to go into the building. Mr. Crawford stated that his only reason for wanting the zone change was to put in a one chair barber shop that would be open two or three

days per week. Mr. Crawford stated that this would be retirement for him. Mr. Crawford stated that in his present location he is not able to retire to this extent because of the overhead expense that he has. Mr. Crawford stated that the barber profession as has been known over the past no longer exists. Mr. Crawford stated that there are not barbers available but there are loads and loads of cosmetologists. Mr. Crawford stated that to retire to the extent that he would like to retire it would take a location with less overhead expense. Mr. Crawford stated that this is his only reason for wanting the zone change. Mr. Crawford stated that he called Mr. Abraham and asked if it was possible to have a residential special use permit where the permit could revert back to its present state if he were to ever sell the property. Mr. Crawford stated that evidently this is not possible any longer and the only course remaining was to have the zone changed. Mr. Crawford stated that his clientele is 95% by appointment and the barbershop would not be a busy situation. Mr. Crawford stated that he would fix the shop up nice and it would be an asset to the community.

Councilmember Bowman asked the City Manager to give some thought to what Mr. Crawford has said and look and see if there is an area of compromise and compatibility. Mr. Maclin stated that this request would be brought back for the next Council meeting.

## **6. AMENDMENT – APPROVED – JUNKED VEHICLE ORDINANCE**

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Junked Vehicle Ordinance.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Director of Inspection Services who is seeking a revision to the current Ordinance to limit the use of covers for junked vehicles to six months. Mr. Maclin stated that this proposal is prompted by citizens and Neighborhood Associations who feel like this is in the best interest of our neighborhoods.

Beauford Chapman, Director of Inspection Services, stated that Council passed an Ordinance last year to adopt the State Abandoned Vehicle Law as the City's Ordinance in regard to inoperable vehicles. Mr. Chapman stated that this Law is Chapter 683 of the Texas Transportation Code and authorizes municipalities and county governments to adopt procedures regarding junked vehicles or parts of a junked vehicle as a public nuisance. Mr. Chapman stated that that law also gives the City authority to set procedures in abating those particular junked vehicles and procedures that the City has to go through and allows for some exceptions. Mr. Chapman stated that a junked or inoperable vehicle can be placed behind a screen or out of public view by either a site bearing fence, a rapidly growing tree area, or shrubbery, or it can be maintained in an ordinary condition. Mr. Chapman stated that there are also allowances for antique vehicles and vehicles of special interest.

Mr. Chapman stated that the City of Lufkin allows junked vehicles to be tarped and considers that to be considered accommodation for those people who can't fix their cars immediately. Mr. Chapman stated that the problem comes when vehicles are sitting tarped for three or four years. Mr. Chapman stated that included in the Council packet is a survey of some cities showing which cities allow tarping.

Mr. Chapman showed some pictures of vehicles that require tarping, and some that are properly tarped.

Mr. Chapman stated that he is requesting that Council approve a tarping policy, which limits the tarp to six months.

Mr. Chapman introduced Lela Mae Simmons, President of the North Lufkin Neighborhood Association. Mrs. Simmons stated that the members of the NLNA are aware that there is an Ordinance for junked and abandoned vehicles but are concerned that it is not being enforced. Mrs. Simmons stated that the NLNA would like to generate a list of abandoned vehicles in their area to be given to the Code Enforcement office. Mrs. Simmons stated that the NLNA greatly appreciates the City's consideration in this matter. Mrs. Simmons stated that she would bring a letter to the Mayor tomorrow morning stating the NLNA's position on this Ordinance. Mrs. Simmons introduced Bennie Moye and George Harris, members of the NLNA, who were present.

Victor Bruce, Chairman of the Neighborhood Alliance, stated that he wished to convey the wholehearted support of the Alliance members for the Amendment to the Inoperable Vehicle Ordinance. Mr. Bruce stated that a six-month limitation on covering such vehicles with a tarp is more than fair to the owners and provides a remedy date to the surrounding neighbors. Mr. Bruce stated that there are eight recognized neighborhood associations within the Alliance and each one in one way or another seeks to improve their designated area and to enhance the quality of life for its members. Mr. Bruce stated that this Amendment would certainly help those goals by providing the means to rectify numerous unsightly conditions. Mr. Bruce introduced some representatives from the neighborhood associations: Linnette Scagliola of the Mantooth Park Association, Melba Skrehot of the Englewood Association, and Allene Bledsoe of the Keltys Association.

Bennie Moyer stated that even though some of the vehicles are tarped they are still in violation of State law. Mr. Moyer stated that these junked vehicles have caused property values to drop. Mr. Moyer stated that he had talked to the City Attorney on a number of occasions regarding junked and inoperable vehicles.

In response to question by Councilmember Gorden, Mr. Chapman stated that hopefully the owner would move a junked vehicle once they are notified or the City could call a towing service and have a vehicle towed. Mr. Chapman stated that the City calls a towing service and it is stored on their yard until the owner comes and claims it and pays the towing service or after a period of time it is reported to the State and then goes to a junkyard. Mr. Williams stated that there has to be a Court order by a Judge before the vehicle is towed.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that Amendment to the Junked Vehicle Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**7. RESOLUTION – APPROVED – ELECTRONIC SEALED BIDDING PROCEDURE – RFP DEPOT – e-PROCUREMENT SERVICES**

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing the implementation of an electronic sealed bidding procedure and RFP Depot as the selected provider of e-procurement services.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Director of Purchasing David Cochran. Mr. Maclin stated that in 2001 the legislature authorized cities to receive sealed bids electronically. Mr. Maclin stated that the City has been a part of a service called DemandStar. Mr. Maclin stated that this past January, the innovation groups of which the City is a member, had several of their purchasing managers in the D/FW area get together to develop an e-procurement system. They sent out a request for proposals and 17 companies submitted proposals, and the company selected from those purchasing managers was RFP Depot. Mr. Maclin stated that staff is seeking from Council approval to be a participant as part of the RFP Depot to receive bids. Mr. Maclin stated that unlike DemandStar which charged a fee to be a member, this only charges a fee if you are the successful low bidder. Mr. Maclin stated that staff is asking tonight that Council give authorization to terminate the contract with DemandStar, and then approve the Resolution in the packet to become a member of this Interlocal government agreement with the innovation group national purchasing alliance. Mr. Maclin stated that it is staff's opinion that this will provide the City with more competitive bids. Mr. Maclin stated that we would still provide for local bidders to submit their bids either electronically or if needed staff can input their bid for them with their permission.

In response to question by Councilmember Gorden, Mr. Maclin stated that the RFP Depot would be responsible for invoicing the bidder.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Rose Faine Boyd to terminate the contract with DemandStar and that the Resolution authorizing the implementation of an electronic sealed bidding procedure and RFP

Depot as the selected provider of e-procurement services be approved as presented. A unanimous affirmative vote was recorded.

**8. CONTRACT – APPROVED – CHAMBER OF COMMERCE – LUFKIN CONVENTION AND VISITORS BUREAU**

Mayor Bronaugh stated that the next item for consideration was approval of a contract with the Chamber of Commerce for provision of the Lufkin Convention and Visitor's Bureau.

City Manager Maclin stated that included in the Council packet is an agreement between the City and the Chamber for the provision of utilization of the Hotel/Motel tax funds for the tourism program for the City. Mr. Maclin stated that basically this agreement represents the practice that the City has had for some 11 years now with the Angelina County Chamber of Commerce. Mr. Maclin stated that the agreement provides for definitive agreements in terms of the use of the funds. Mr. Maclin stated that staff is seeking Council's approval of this effective January 1, 2003. Mr. Maclin stated that Mr. Manskey is also taking this to the Chamber Board for their approval. Mr. Maclin stated that staff believes that this will serve the City with a more definitive written policy, and is a good, sound business procedure, and will also be beneficial to the Chamber with their accreditation efforts with the U. S. Chamber of Commerce.

Mr. Maclin stated that Tom Manskey and Heather Teusch were present to answer any questions by Council.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Jack Gorden, Jr. that contract with the Angelina County Chamber of Commerce for provision of the Lufkin Convention and Visitor's Bureau be approved as presented. A unanimous affirmative vote was recorded.

**9. HDR ENGINEERING PRESENTATION – APPROVED – TASK 1 AND 2 – BIOSOLIDS COMPOSTING FEASIBILITY STUDY**

Mayor Bronaugh stated that the next item for consideration was a presentation by HDR Engineering, Inc. regarding findings of Task 1 and Task 2 of the Biosolids Composting Bureau.

City Manager Maclin stated that included in the Council packet is a cover letter from Kenneth Williams, Director of Public Works, along with the product that has been produced by HDR for Task 1 and Task 2, which is the Feedstock Assessment and the Product Market Assessment. Mr. Maclin stated that those documents are included in the packet.

Mr. Williams stated that some months ago he made a presentation to Council on the possibility of the City getting into a full blown composting business and Council decided to look at two phases of a study, and based upon that Council would decide whether to proceed with the last three phases. Mr. Williams stated that Resa Fisher of HDR Engineering would present the findings of the first two phases to Council.

Ms. Fisher stated that they had started out with a market assessment and the market assessment included two different types of markets – feedstock and the market for the product. Ms. Fisher stated that would give Council the results of the first two studies for them to use as a basis to decide whether they wished to proceed with the final phases of the feasibility study.

Ms. Fisher stated that the primary objective of this project is to compost Biosolids. Ms. Fisher stated that Lufkin is in a very favorable position for composting because there are a lot of wood products, and grocery distribution, chicken litter, paper mill waste and wood and wood product waste. Ms. Fisher stated that the focus is primarily to compost the Biosolids from the Wastewater treatment plant. Ms. Fisher stated that they are also focusing first on the materials that the City already controls. Ms. Fisher stated that composting is a balance between carbon and nitrogen. Ms. Fisher stated that you have to balance the compost because if you don't have enough carbon relative

to the nitrogen that you have, you could have an odor problem. Ms. Fisher stated that a 30 to 1 ratio is perfect.

Ms. Fisher stated that they did their study based on City records for a generation of Biosolids and the brush and yard waste that is collected by the City and additional wood that is hauled to the City and found that the City has a 6 to 1 ratio. Ms. Fisher stated that the City of Lufkin is in a very enviable position.

Ms. Fisher stated that the other half of the study is the market for the product itself. Ms. Fisher stated that they had conducted a telephone survey and a fax follow-up to get a feeling for who uses compost, how much, and are they interested in more or interested in a different product. Ms. Fisher stated that the markets include the City, landscapers, nurseries, golf courses and TxDOT. Ms. Fisher stated that TxDOT is trying to encourage the public sector and private sector to compost because they want more compost. Ms. Fisher stated that a paper prepared by TxDOT along with a letter from Dennis Cooley, District Engineer of TxDOT, was on the Council table for their consideration.

Ms. Fisher stated that the average bid from TxDOT alone ranges a little over \$20 per cubic yard to over \$32 per cubic yard for compost. Ms. Fisher stated that TxDOT is using compost for erosion control and flood control. Ms. Fisher stated that it improves water quality and is terrific as a soil amendment to establish vegetation, especially for steep side slopes that you see on highways.

Ms. Fisher stated that the City of Lufkin uses a significant amount of compost. It is used on parks, medians, and around public buildings.

Ms. Fisher stated that her personal recommendation and the recommendation in the report is that the City start with those two things, achieve the primary objection, which is to handle the Biosolids, and then assuming that the economic feasibility is there, and the site is available, then you can look at the other feedstocks that are available in the area. Ms. Fisher stated that this is about the only business she knows of where it is possible to make money on the front end because you collect a disposal fee for these additional materials and you can make revenues on the back end because you sell the product.

Ms. Fisher stated that the conclusion of the first phase of the study is that Biosolids and woods appear balanced. Ms. Fisher stated that the City has enough wood, and can compost the excess wood or sell it as mulch. Ms. Fisher stated that TxDOT is a base line market and is solid.

Ms. Fisher stated that she is asking for Council's approval to continue with the remainder of the feasibility study to look at the results of the market study and come up with a concept of a composting process because there is more than one way to make compost. Ms. Fisher stated that they would do a siting analysis and at this point that is looking at a limited number of sites that might be available and also providing the City with siting criteria. Ms. Fisher stated that then they would put pencil to paper and come up with a more detailed cost estimate of the feasibility given the specific process that is recommended. Ms. Fisher stated that they would look at the feasibility given the market rate on the front end, and on the back end, and the offset disposal costs that would be realized.

In response to question by City Manager Maclin, Ms. Fisher stated that one of the disadvantages of the TxDOT market is that they want the company to store the compost on their site until they are ready for it. Ms. Fisher stated that a lot depends on how the compost is bid.

In response to question by City Manager Maclin, Ms. Fisher stated that there was no way to guarantee that TxDOT would buy compost in the future, however, she would point out a big difference between the tire recycling program and this program. Ms. Fisher stated that this program where TxDOT is purchasing compost is not regulatorily driven. Ms. Fisher stated that it is driven by the fact that TxDOT loves the product because it works better than what they have used in the past.

In response to question by Mayor Bronaugh, Ms. Fisher stated that her feeling about the compost survey not having more response was that it is a reflection of a healthy business person's skepticism. Ms. Fisher stated that most people do not want to make a commitment until they can see the product. Mr. Williams stated that his staff had contacted five additional vendors (landscaping and nurseries) today and they all said they would be interested in compost. Mr. Williams stated that the City is bringing in a new recycling co-coordinator and some of that person's duties would be to market the City's products.

In response to question by Mayor Bronaugh, Mr. Williams stated that currently the City has two tub grinders, a rubber tire loader, and a track loader. Mr. Williams stated that the further part of the assessment would give a better idea of the equipment the City would need which would include a compost turner and probably another screener. Mr. Williams stated that the City has a windrower that pulls behind a tractor but it has gotten old and rusted. Mr. Williams stated that today he is not asking for capital investment but simply approval to continue with the study.

In response to question by Councilmember Gorden, Mr. Maclin stated that \$11,000 had been set aside for Tasks 1 and 2, and \$38,000 for Tasks 3, 4 and 5.

In response to question by Councilmember Gorden, Mr. Williams stated that a top of the line windrow turner would cost \$200,000-250,000. Mr. Williams stated that this would be the largest investment. Ms. Fisher stated that the other major expense would be land and if the composting program could be placed on land the City already owns that would be a big savings. Mr. Maclin stated that one of the sitings that would be part of the facility siting in Task 4 is looking at the Wastewater Treatment Plant. Mr. Maclin stated that since we already have the sludge coming from there it shortens the haul.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman to proceed with Phases 3, 4 and 5 of the Biosolids Feasibility Study not to exceed the amount of \$38,000. A unanimous affirmative vote was recorded.

#### **10. BID – APPROVED – DOWNTOWN STREET, UTILITY AND T-21 SIDEWALK IMPROVEMENTS – SIMON TRAYLOR & SONS**

Mayor Bronaugh stated that the next item for consideration was the award of bids for Downtown Street, Utility and T-21 Sidewalk Improvements.

City Manager Maclin stated that bids were opened on December 5<sup>th</sup> and staff is recommending the low bid of Simon Traylor & Sons in the amount of \$4,724,845.45. Mr. Maclin stated that this bid is \$340,000 above the original engineer's estimate, partially because the bid includes some additional sidewalk and footage and items that were not in the original engineer's estimate. Mr. Maclin stated that the City Engineer and the Project Engineering staff have already begun to identify some areas where the cost could be reduced, some of it through some changes and some of it through City staff providing City force account for some things like stripping. Mr. Maclin stated that there have already been some preliminary discussions with the proposed low bidder indicating their willingness to work with the City to reduce the cost. Mr. Maclin stated that ultimately there would be some overage that staff would need to come back to Council for an amendment to the CIP to make up whatever shortfall remains after staff has negotiated successfully the reduction in the contract costs.

Mr. Maclin stated that staff is seeking from Council to consider awarding the bid to the low bidder with the understanding that the City Engineer and the Project Engineer would work with the Contractor to identify cost reductions and once the total cost reductions have been identified, come back to Council for an amendment to the CIP to reflect any other shortfall.

In response to question by Councilmember Gorden, Mr. Maclin stated that staff was told that the City would have to negotiate with TXU as opposed to Oncor, and they are both telling the City that legally they don't think they can donate the laying of underground electrical lines as a result of deregulation and new rules and regulations they operate under.



Mr. Wright stated that approval of the low bid would be contingent upon approval by the Texas Department of Transportation.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Rose Faine Boyd that the bid of Simon Traylor & Sons in the amount of \$4,724,845.45 be approved as submitted with the City Engineer negotiating with the Contractor and bidder for the total cost and come back to Council for approval at a later date. A unanimous affirmative vote was recorded.

**11. APPROVAL AND RELEASE – APPROVED – RETAINAGE ON ASBESTOS CEMENT WATERLINE REPLACEMENT PROJECTS 2A AND 7**

Mayor Bronaugh stated that the next item for consideration was approval and release of retainage on Asbestos Cement Waterline Replacement Project 2A and Asbestos Cement Waterline Replacement Project 7.

City Manager Maclin stated that it is a new requirement when Texas Water Development funds are used that when a project has reached its completion and is ready for release and retainage it would have to come before the Council for a formal approval and be a part of the Council minutes. Mr. Maclin stated that basically the engineering department is certifying that these projects are complete and ready for release. Councilmember Gorden stated that he would like to see a document included in the packet with the City Engineer's certification.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that approval and release on Asbestos Cement Waterline Replacement Projects 2A and 7 be granted as requested. A unanimous affirmative vote was recorded.

**12. DEFIBRILLATOR – APPROVED – FIRE DEPARTMENT – H-GAC PURCHASING COOPERATIVE**

Mayor Bronaugh stated that the next item for consideration was authorization to purchase a defibrillator for the Fire Department.

City Manager Maclin stated that included in the Council packet is a memo from the Director of Purchasing along with the bidding documents from the Houston-Galveston Area Purchasing Cooperative. Mr. Maclin stated that staff is recommending that Council award this purchase through H-GAC purchasing cooperative in the amount of \$24,636.52 with a grant reimbursing the City for \$12,080 towards the cost of the defibrillators.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that authorization be granted to purchase two defibrillators for the Fire Department through the H-GAC Purchasing Cooperative at a price of \$24,636.52. A unanimous affirmative vote was recorded.

**13. SOFTWARE UPGRADE – APPROVED – POLICE DEPARTMENT– H.T.E.**

Mayor Bronaugh stated that the next item for consideration was authorization to purchase an upgrade to the Police Department's computer software.

City Manager Maclin stated that included in the Council packet is a memo from the Director of Purchasing along with a memo pricing from H.T.E.

Lt. James Nowak stated that this software is called "Looking Glass Crimes" and it provides crime analysis, trend analysis, and other information that can be used in a map format. Lt. Nowak stated that an officer will report for work and be given a map showing the activity in the last 12 hours so they would know where they need to concentrate their efforts.

Mr. Maclin stated that staff is seeking Council's authorization for an expenditure of \$16,000 for this funding through the CIP.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Lynn Torres that authorization be granted to purchase an upgrade from H.T.E. for the Police Department's computer software in the amount of \$16,000. A unanimous affirmative vote was recorded.

**14. PATROL CARS – APPROVED – POLICE DEPARTMENT – PHILPOTT MOTORS – BANC ONE LEASING**

Mayor Bronaugh stated that the next item for consideration was authorization to purchase patrol cars for the Police Department.

City Manager Maclin stated that staff is recommending the low bid of Philpott Motors in the amount of \$20,333 for the purchase of seven (7) patrol units, and the Banc One Leasing interest rate of 2.3294% for the lease purchase financing of these vehicles.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that the bid of Philpott Motors in the amount of \$20,333 per unit for seven units with financing from Banc One Leasing at a rate of 2.3294% be approved as submitted. A unanimous affirmative vote was recorded.

**15. STAFF VEHICLES – APPROVED – POLICE DEPARTMENT – CLASSIC CHEVROLET**

Mayor Bronaugh stated that the next item for consideration was authorization to purchase staff vehicles for the Police Department.

City Manager Maclin stated that staff is recommending the low bid of Classic Chevrolet in the amount of \$12,292 per unit for three units, with financing from Banc One Leasing at an interest rate of 2.3294%.

City Manager Maclin stated that he would like to commend Chief Brazil for moving forward in this regard by saving the citizens of Lufkin \$8,000 per unit.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that the bid of Classic Chevrolet in the amount of \$12,292 per unit for three units with financing from Banc One Leasing at a rate of 2.3294% be approved as submitted. A unanimous affirmative vote was recorded.

**16. EXECUTIVE SESSION**

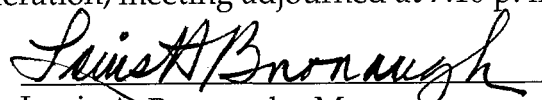
Mayor Bronaugh recessed Regular Session at 6:50 p. m. and Councilmembers entered into Executive Session. Regular Session reconvened at 7:08 p.m. and Mayor Bronaugh stated that the Council had discussed appointments to Boards and Commissions and personnel matters.

**17. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER**

City Manager Maclin stated that tomorrow from 11:30 to 3:00 p.m. there would be a Planning retreat for the Angelina County Chamber of Commerce.

Mayor Bronaugh invited Councilmembers to attend a Mayor's reception at City Hall in the Office Conference Room on Friday from 10 a.m. to 2 p.m.

18. There being no further business for consideration, meeting adjourned at 7:10 p. m.

  
Louis A. Bronaugh - Mayor

ATTEST:  
  
Atha Martin – City Secretary