MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH OF AUGUST 2003

On the 5th day of August 2003 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
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
David Koonce	Director of Human Resources
Stephen Abraham	Director of Planning

being present, and

Rose Faine Boyd	Councilmember, Ward No. 2
Kenneth Williams	Director of Public Works

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Noland Duck, First Baptist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of July 15, 2003 were approved on a motion by Councilmember Don Langston and seconded by Councilmember R. L. Kuykendall as presented. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF KEEP TEXAS BEAUTIFUL AFFILIATE FLAG**

Krista Cloonan, Executive Director of Angelina Beautiful/Clean, and Donna Parrish, Coordinator of Keep Lufkin Beautiful, presented a Keep Texas Beautiful Affiliate Flag to Mayor Bronaugh.

5. **ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – RESTRICTIVE PROFESSIONAL OFFICE TO NEIGHBORHOOD RETAIL – MERRICK ROCHE – 1502 JOHN REDDITT DRIVE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Restrictive Professional Office" to a "Neighborhood Retail" zoning district on approximately 1.072 acres of land described as Tract 8 out of the J. A. Bonton Survey (Abstract No. 5) located at the southwest corner of Hanks Street and South John Redditt Drive and more commonly known as 1502 South John Redditt Drive as requested by Merrick Roche.

City Manager Maclin stated that at the last meeting Council approved this request on First Reading contingent on applicant getting with the City Attorney and working out some type of an arrangement to insure that the use of this property would be similar to that of the remainder of the tract which would be for Restrictive Professional Office for office use. Mr. Maclin stated that it is his opinion that there is an agreement that would require Dr. Roche upon subdivision of the property, which at this point has not been subdivided and does not have a buyer, but at such time as that would happen when the property is subdivided and platted then the deed restrictions that would limit the property to office use would be implemented and applied with the approval through the City Attorney thereby insuring that the protection to the neighbors that the office use would be in effect. Mr. Maclin stated that if Dr. Roche does not choose to exercise this between now and next spring then perhaps the Ordinance would be updated to allow him to do that without having the minimum acreage requirement that currently is required by the Ordinance.

City Attorney stated that he had met with Dr. Roche and he is in agreement with the restrictions that Council wishes to place on the property and that would be done at such time that he has a buyer for a portion of the property because he will have to subdivide the property and the appropriate time to place these restrictions would be at the subdivision level.

Councilmember Robertson asked if Dr. Roche is legally bound to this by just a vote of the City Council. City Attorney Flournoy stated that Dr. Roche is accepting this subject to those restrictions. Mr. Flournoy stated staff has written memos to the Planning and Zoning Commission that when the Subdivision map is presented, at that time those restrictions will be placed on the subdivision itself.

Motion was made by Councilmember Don Langston and seconded by Councilmember Lynn Torres that Ordinance changing the zoning from "Restrictive Professional Office" to a "Neighborhood Retail" zoning district on approximately 1.072 acres of land described as Tract 8 out of the J. A. Bonton Survey (Abstract No. 5) located at the southwest corner of Hanks Street and South John Redditt Drive and more commonly known as 1502 South John Redditt Drive be approved on Second and Final Reading with the stipulations provided by the City Attorney for the deed restrictions to last until such time as the zoning changes. A unanimous affirmative vote was recorded.

6. **<u>AMENDMENT – APPROVED – FIRST READING – FUTURE LAND USE PLAN – COMPREHENSIVE PLAN – WOOD AVENUE EAST OF RIDGE STREET TO THE END OF WOOD AVENUE – NORTH SIDE OF WOOD AVENUE EAST OF WALTERS STREET TO END OF WOOD AVENUE</u>**

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Future Land Use Plan contained in the Comprehensive Plan for the area described as the south side of Wood Avenue east of Ridge Street to the end of Wood Avenue, and the north side of Wood Avenue east of Walters Street to the end of Wood Avenue.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation and more importantly is Exhibit #2, a color chart showing the area in question. Mr. Maclin stated that it also shows the adjacent contagious property north of Wood Avenue and west of Walters Street, which currently has a Manufactured Home Dwelling designation on the property. Mr. Maclin stated that the Planning & Zoning Commission has given this request a unanimous vote of approval to amend the Future Land Use Plan to Low Density Residential Manufactured Homes. Mr. Maclin stated that this is not a mobile home park. Mr. Maclin stated that this is allowing a mobile home to be placed as a single family residence on a single lot.

In response to question by Councilmember Gorden, Mr. Maclin stated that the request had been made by Shauntel Reed and that a copy of her letter of request was included in the Council packet information.

In response to question by Councilmember Robertson, Mr. Abraham stated that the City approves large areas to get around the issue of "spot zoning". Mr. Abraham stated that obviously the Planning & Zoning Commission just took one lot out there and zoned it differently than all the surrounding property. Mr. Abraham stated that over the course of time there are a number of people calling and asking if they can put a manufactured dwelling in the area and after so many times there was one person who was willing to go through the process to write a letter to amend the Comprehensive Plan. Mr. Abraham stated that if this Future Land Use Plan is changed then a zoning request will have to follow.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Lynn Torres that the Amendment to the Future Land Use Plan contained in the Comprehensive Plan for the area described as the south side of Wood Avenue east of Ridge Street to the end of Wood Avenue, and the north side of Wood Avenue east of Walters Street to the end of Wood Avenue be approved as presented. A unanimous affirmative vote was recorded.

7. **AMENDMENT – APPROVED – FUTURE LAND USE PLAN – COMPREHENSIVE PLAN – NORTH SIDE OF FRANK AVENUE BETWEEN PERRY DRIVE AND HILL STREET**

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Future Land Use Plan contained within the Comprehensive Plan for the north side of Frank Avenue, between Perry Drive and Hill Street.

City Manager Maclin stated that included in the Council packet is the memorandum of explanation for this request which comes through Carolyn Reeves-Gill. Mr. Maclin stated that the Planning & Zoning Commission by unanimous vote recommends approval of the Amendment to the Future Land Use Plan to change the designation of a 1.45 acre tract from office to retail.

In response to question by Councilmember Robertson, Mr. Maclin stated that at this time the Comprehensive Plan is being changed and this is not a zone change. Councilmember Robertson stated that he had some concerns about problems in that area. Councilmember Robertson stated that in reading the P & Z minutes some of the residents in that area brought up some points that are indirectly related to development in that area. Councilmember Robertson stated that there is some concern about flooding and the sewer lines that if a zone change went through it might affect the adjacent resident's property. Mr. Maclin stated that he was familiar with some of the issues relating to some sewer problems on Broadmoor and the City, and from an engineering standpoint we want to find a way to access sewer off of Hill Street or off Frank Street as opposed to Broadmoor. Mr. Wright stated that the Engineering Department is working on a comprehensive analysis of our sewer system with the Infiltration/Inflow study which will allow them to evaluate the whole area. Mr. Wright stated that this particular property may run into some problems with floodway/ flood plain issues.

Motion was made by Councilmember Don Langston and seconded by Councilmember Jack Gorden, Jr. that Amendment to the Future Land Use Plan contained within the Comprehensive Plan for the north side of Frank Avenue, between Perry Drive and Hill Street be approved as presented. A unanimous affirmative vote was recorded.

8. **RESOLUTION – APPROVED – INTENT TO PUBLISH NOTICE – CERTIFICATES OF OBLIGATION**

Mayor Bronaugh stated that the next item for consideration was a Resolution approving and authorizing the City Secretary to publish a notice of the City Council's intent to issue Certificates of Obligation.

City Manager Maclin stated that he would refer to the Resolution on the table as opposed to the one in the Council packet. Mr. Maclin stated that there was an update from the City's bond counsel to make sure that we had accurately covered all of the items to be included in this issue. Mr. Maclin stated that the foremost and single largest of this issue would be that this is the third and final year for the tax increase from the voter's approval of the 2001 street bond election in May of 2001. Mr. Maclin stated that also included in this are the downtown improvements, a replacement ambulance, the Kit McConnico park facilities, the completion of the Copeland Street project, and the extension of the Whitehouse Drive project.

Mr. Maclin stated that tonight staff is seeking Council's approval of this Resolution, which will then authorize the City Secretary to publish the Notice of Intent and then at the September 2nd Council meeting the City's bond counsel will have bid out these bonds and through the bid process and will award a best bid by the interest rate and then would issue the debt prior to September 30th.

In response to question by Councilmember Gorden, Mr. Maclin stated that for the downtown project we are still showing a total of $2,995, 074 on issuance, and out of that in Fiscal 2004 we will issue $1,218,926 for actual bids we received. Mr. Wright stated that the City is experiencing some Change Orders that will affect those numbers.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Dennis Robertson that Resolution approving and authorizing the City Secretary to publish a notice of the City Council's intent to issue Certificates of Obligation be approved as presented. A unanimous affirmative vote was recorded.

9. **BUDGET DRAFT PRESENTATION – FISCAL YEAR 2003-2004**

Mayor Bronaugh stated that the next item for consideration was the budget draft presentation for Fiscal Year 2003-2004 from City staff.

City Manager Maclin stated that staff always likes to have a theme for the budget and this year as a result of the shuttle explosion over East Texas on February 1st, he has a two minute tribute to the impact of the shuttle.

Mr. Maclin stated that this year, like the Columbia shuttle, this was a challenging year for our budget. Mr. Maclin stated that he would be putting up some overviews of each of the funds – General Fund, Utility Fund, Solid Waste Fund and Civic Center Fund. Mr. Maclin stated that this budget provides a budget that reduces spending to reflect current revenues. Mr. Maclin stated that City staff had done an excellent job of accomplishing that this year by reducing our budget by $2 million from what it was in 2003. Mr. Maclin stated that we continue our progress on the Five Year Capital Improvements Program. Mr. Maclin stated that we attempt to maintain current public service levels, while reducing costs.

Mr. Maclin stated that in the CIP Program construction begins on Abney and Lotus Lane projects from the Street Bond election in the next 12 months. Mr. Maclin stated that staff plans to bid these streets after the completion of Angelina Street. Mr. Maclin stated that we will also begin street construction for the extension of Whitehouse to FM 819 and continue with the downtown infrastructure replacement and enhancement. Mr. Maclin stated that we continue and complete the Copeland Street reconstruction in this coming fiscal year. Mr. Maclin stated that we would begin the construction of the Kit McConnico Park facilities. Mr. Maclin stated that although we do not have something specific line-itemed in our budget he wanted to point out that sometime in the course of this fiscal year TxDOT may begin right-of-way acquisition for US 59 near term improvements and when we get that request from them staff will come back to Council with a game plan of how to finance that and how to absorb that into the budget process.

Mr. Maclin stated that one of the tools in addition to a lot of very stringent cutbacks by Department Heads in our various budgets is through the reduction of positions – about 14 positions in the General Fund and four from the Utility Fund. Mr. Maclin stated that the avoidance of 10 new positions in the Solid Waste Fund through automation and that comes about as a result of the State Prison inmate's labor program. Mr. Maclin stated that we either had to hire people to replace them or use automation and the budget draft proposal includes the funds to purchase the new MRF equipment to enhance and improve our recycling/resorting abilities. Mr. Maclin stated that then there is a hiring freeze for 10 positions, most of these are in the Fire Department where we were beginning the process of going from a three-man minimum to a four-man minimum in all our Fire Stations, and, basically put that on hold until our economy gets stronger and then we would begin to renew that process when we feel like it is financially feasible.

Mr. Maclin stated that in the Police Department we are replacing 10 patrol cars with transition to mid-sized cars for our Criminal Investigation Department. Mr. Maclin stated that the Malibu is similar to what staff is going to bid on next year, which will save thousands of dollars compared to the Crown Vic Police package that we have purchased in the past. Mr. Maclin stated that also we will be transitioning to GPRS from CDPD on the Police car computers. Mr. Maclin stated that AT&T will no longer support CDPD in the not too distant future so we will have to make the change. Mr. Maclin stated that one of the benefits of making that change is that our monthly fee will be very similar if not identical to what we have now, and the connection speed for the P. D. will go from 19.2 to somewhere in the 70-80k range with bursts up to the potential of 144 at some point in the future when they implement the third generation of GPRS to the East Texas area. Mr. Maclin stated that this will be a significant enhancement to the communication speed for officers as they make connections for DPS to run license plates or connect to get information from the base station.

Mr. Maclin stated that the next graph shows a breakdown in the General Fund of where the revenue comes from. Mr. Maclin stated that 41% of the General Fund's revenues come from sales tax, while only 23.6% comes from property taxes. Mr. Maclin stated that obviously the sales tax is the largest amount of any single source so that is why it's so impacted when we see a decline in sales tax or franchise tax. Mr. Maclin stated that the City had a decline by some $400,000 in franchise tax from one electric provider.

Mr. Maclin stated that almost 52 ½ cents of every General Fund dollar goes to Public Safety to protect the citizens of Lufkin. Mr. Maclin stated that Public Works is the next largest category at 19.4%.

Mr. Maclin stated that the next graph, Property Tax Rates Relative to Total Assessed Property Values, gives a 10-year history of our property assessed values along without tax rates. The blue line represents the tax rate and the increase here was when the citizens approved the bond election for the streets that included Paul, Tulane, Feagin and Martin Luther King Drive, and the increase here includes the bond election of 2001 when the citizens approved the bond election for improvements to Angelina, Abney, Lotus Lane and Whitehouse on the east side.

Mr. Maclin stated that the next graph gives a breakout of debt service versus operations and maintenance. Mr. Maclin stated that you could see the increase again reflected from the street bond election approved by the voters; the green being the maintenance and operations dollars.

Mr. Maclin stated that this graph shows the assessed property values in a bar graph format and you can see we are projecting $1.5 billion as the total property values for the City of Lufkin next year when the tax roll becomes certified. Mr. Maclin stated that we saw a pretty good jump here. Mr. Maclin stated that it was in 1998, the first time in the history of the City to surpass the $1 billion net taxable plateau. Mr. Maclin stated that from 1998 to 2004, in six years we have added half of that, which shows a pretty steady growth in terms of new construction as well as values.

Mr. Maclin stated that the next graph shows the Sales Tax Collections history and as you can see, we were doing well. Mr. Maclin stated that we estimated $9.2 for 2003 based on previous growth we had experienced. Mr. Maclin stated that we think we will end up with $8.6 million on September 30th and you can see that we are projecting a very moderate, modest increase for 2004. Mr. Maclin stated that in light of the fact that we have eight new retailers under construction with one opening this month, five should open in the spring and another one shortly thereafter, that gives us reason to have cautious optimism about the potential for growth sales tax in the future.

Mr. Maclin stated that the next graph shows the combined funds of General Fund, Utility Fund, Solid Waste Fund and the Civic Center fund all totaled together, which is $43,516,828 in revenues and all totaled together $43,196,577 projected in expenditures. Mr. Maclin stated that 46.8% of the $43 million is personnel costs.

Mr. Maclin stated that the Utility Fund continues the phased replacement of water meters to Radio Frequency technology and ultimately when we have implemented all phases of this we will have replaced all of our meters in the City and our water system, both Burke and the City of Lufkin to a radio frequency that will improve our efficiency and accuracy. Mr. Maclin stated that in our asbestos replacement program we will begin our project #2B, which is the Northeast portion of Brookhollow, project #5 which is Lotus Lane and tied in with the Lotus Lane street improvements, project #6 which is North Raguet and to be bid out in the summer of 2004, projects 9 and 14 in Fuller Springs and Whitehouse, #12 and #13 in Crown Colony, and #15 in the Burke area.

Mr. Maclin stated that the Solid Waste Fund provides for the purchase of new automation equipment for the Recycling Department to improve efficiency and increase their volume and help us move away from some prison inmates which we've been told are no longer available. Mr. Maclin stated that it also provides for some fleet replacement rotations.

Mr. Maclin stated that the Civic Center Fund maintains status quo in funding for all entities that receive Hotel/Motel Funds.

Mr. Maclin stated that in General Fund Support the passage of the Street Bond Election in May 2001 requires a two cent tax rate increase for debt retirement. This is the third and final year for this program.

Mr. Maclin stated that the Utility Fund Support provides for a 2% increase in water rates to pay the bonded indebtedness for the asbestos cement water line replacement and related projects. Mr. Maclin stated that we also have as a result of the rate analysis cost of services study done by Reed and Stowe, a five year implementation of our sewer rates and this year it will be about a 16% increase. Mr. Maclin stated that he would like to refer to a sheet on the Council table that is titled "City of Lufkin Water and Sewer Rate comparison 2003 versus 2004" that has a side by side comparison of residential water, what the current rate is, what the new rate would be and residential sewer. Mr. Maclin stated that the minimum billing stays the same so typically our senior citizens on a fixed income who use minimum billing would not have an increase in their sewer rates. Mr. Maclin stated that you can see the increases in the commercial water and commercial sewer. Mr. Maclin stated that the residential sewer is capped out at 20,000 gallons. Mr. Maclin stated that it is good to remember that our sewer rates in residential are based on water consumption during the low months of the year – Dec., Jan., and Feb., and that rate for sewer is fixed then for 12 months from March 2003 to March 2004. Mr. Maclin stated that the consumption rate is fixed and then is re-established again each year during the averaging of Dec.-Jan.-Feb. for residential customers.

Mr. Maclin stated that in the Solid Waste Fund we are proposing no changes in our current rates for all customers.

Mr. Maclin stated that staff is asking Council for their approval of the calendar for the budget. Mr. Maclin stated that staff has had to make some modifications to the calendar that was given to Council at the retreat in May due to some delays that the tax office had in receiving the information from the State on the Truth and Taxation Law and the requirement the City has in that regard.

Mr. Maclin stated that the proposed budget schedule includes the Council making a preliminary vote on the tax rate on August 19th, a Public Hearing and First Reading of the budget on September 2nd and Second and Final Reading of the budget on September 16th.

Mr. Maclin stated that he would open the floor for comments, questions, additions or deletions from Council.

Councilmember Gorden stated that he was pleased with the budget as it has been presented, but he would like to re-ask a question that he had asked a few weeks ago to the Council about the possibility of earmarking any increase in sales tax for economic development. Councilmember Gorden stated that he believes that it would send a message to the people of Lufkin that we are interested in economic development.

Mr. Maclin stated that in response to Mr. Gorden's question, there will be an agenda item on September 16th to talk about economic development as it relates to the economic development sales tax and will be a follow up to the workshop we had on June 11th. Mr. Maclin stated that this could be part of the discussion for formal action by Council.

Councilmember Robertson stated that in looking at economic development as he said at the last meeting; there are a lot of different ways we can look at economic development. Councilmember Robertson stated that what we are doing right now with some of the CIP projects in the City with the water line replacements, street improvements and those kinds of things to him are economic development and are providing jobs for folks in that way. Councilmember Robertson stated that we could invest in some infrastructure kinds of things that help the value of City property, as it is we get some of our revenue from property taxes so if we could elevate the value of our property by some of the investments we are doing in the streets and infrastructure as it is now, to him that does a pretty good job of adding to our economic development situation for the City.

Councilmember Gorden stated that maybe it is a matter of semantics and to him it would earmark some funds. Mr. Gorden stated that he was not saying how to spend the funds – it could be infrastructure, but it would be set aside as a conscious effort and could be any of those things Mr. Robertson just said. Councilmember Robertson stated that there are a lot of priorities out there that we need and to him to set up a special fund just for providing money to entice a company here is almost like a luxury to him when we have so many needs within the City right now that can be looked at as economic development.

Councilmember Gorden stated that he was not saying just use it for enticement, but as a group there would be funds there to address if there is something besides enticing a company here that would promote more jobs for the people in Lufkin. Councilmember Gorden stated that he did not have a set agenda for that but it would be a conscious effort for whatever the final use would be to better the community. Councilmember Gorden stated that his angle on this is to create more jobs and create a living wage for people and if redoing some infrastructure does it that is fine with him. Councilmember Gorden stated that he is not saying that we give a bunch of money to try and talk somebody into moving here.

Councilmember Robertson stated that it takes some expenditure wherever it may be to create more volume of business. Councilmember Robertson stated that he would be a little concerned in not fixing a lot of what he calls high priority needs in the City with the money we have available rather than creating a special fund for economic development.

Councilmember Gorden stated that one facet of this is that we need to have more discourse on this very thing. Councilmember Gorden stated that a few weeks ago is the first time this Council has publicly aired anything on this subject and we heard a couple or three views on it. Councilmember Gorden stated that this is an important issue for the community in whatever form it eventually takes and he hopes it is a multi-tasking conscious effort to address it.

Councilmember Torres asked if there was a dollar figure attached to this, and if we received a 1% raise in sales tax how much dollar revenue does that generate for the City. Councilmember Torres stated that she would be more comfortable designating a certain percentage of an increase in sales tax rather than putting all the increase for economic development when we might have other needs. Mr. Maclin stated that he would add to that that next year from a management standpoint he would promote as one of the higher priorities of the City is to get back into providing salary increases to our employees before we start losing them.

Councilmember Langston stated that the budget also reflects that there are some opportunities in tight times to find ways to trim our expenses without suffering with our services. Councilmember Langston stated that this is a plus that this City has over numerous other cities in our State that don't have that capability. Councilmember Langston stated "job well done" to the staff. Councilmember Langston stated that he would "ditto" a little of what Councilmember Gorden said in saying that we can't turn our eyes away from the fact that we are at a competitive disadvantage in attracting job growth of whatever form it takes with other cities. Councilmember Langston stated that he would like to see us continue to have that on our mind and perhaps develop some more thoughts and ideas on how we might gain some competitiveness with other cities in our immediate area that have economic development money available.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that the calendar for Fiscal Year 2003-2004 be approved as presented. A unanimous affirmative vote was recorded.

10. <u>RENEWAL OF AGREEMENTS – CITIES OF HUNTINGTON, HUDSON AND DIBOLL – ANIMAL CONTROL SERVICES</u>

Mayor Bronaugh stated that the next item for consideration was renewal of agreements with the Cities of Huntington, Hudson and Diboll for animal control services.

City Manager Maclin stated that these are contracts that we have had for several years. The proposed updates to these contracts basically are identical with one minor change to the surrender fee which is going up from $15 to $17; otherwise they are very similar to the contracts Council has approved in the past. City Manager Maclin stated that none of these contracts include the City going outside the City limits to collect animals. These are fees for bringing animals to our shelter.

In response to question by Councilmember Gorden, Mr. Maclin stated that he had put a note in the Managers Comments that staff thought the County's contract would be ready for today but it wasn't so it will be on a future agenda. Mr. Maclin stated that as far as our contract to go out in the County to collect animals that has been terminated.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Jack Gorden, Jr. that the agreements between the City of Lufkin and the Cities of Huntington, Hudson and Diboll for animal control services be approved as submitted. A unanimous affirmative vote was recorded.

11. <u>REQUEST OF MUSEUM OF EAST TEXAS – APPROVED – REMOVAL AND DEMOLITION OF HOUSE LOCATED AT 220 HOWE STREET</u>

Mayor Bronaugh stated that the next item for consideration was a request of the Museum of East Texas for assistance from the City for removal and demolition of a house located at 220 Howe Street.

City Manager Maclin stated that in the Council packet is a letter from the Executive Director of the Museum of East Texas, J. P. McDonald, seeking Council's assistance in this project. Mr. Maclin stated that in her letter she enumerates the fact that they have received confirmation from the County to waive the landfill tipping fees so we will not be charged the tipping fee at the landfill if Council approves this request. Mr. Maclin stated that there is also a sheet behind the letter from Mrs. McDonald that gives the City's equipment cost based on the total number of hours estimated to remove the building.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Jack Gorden, Jr. that the request of the Museum of East Texas for the City to remove and demolish a house located at 220 Howe Street be approved as presented. A unanimous affirmative vote was recorded.

12. **<u>NOMINATION – APPROVED – SUBMISSION FOR ELECTION – TML INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL – COUNCILMEMBER JACK GORDEN, JR.</u>**

Mayor Bronaugh stated that the next item for consideration is approval for nomination of submission for election to the TML Intergovernmental Employee Benefits Pool.

City Manager Maclin stated that in the Council packet is a memorandum from Catherine Fryer, the Board Secretary of the TML Intergovernmental Employee Benefits Pool. Mr. Maclin stated that for point of clarification this is a pool that oversees the health insurance portion of the insurance benefits that TML has. Mr. Maclin stated that they have a separate board that oversees the liability, Workers Comp and other types of insurance. Mr. Maclin stated that in that letter you will see that each of the regions has a representative on the Board of Trustees and that our Region's, Region 16, term is expiring on September 30th. This position is currently held by Joe Arisco, who is the City Manager from the City of Groves. Mr. Maclin stated that in order to have a name submitted there needs to be a Resolution by Council or a vote by Council to nominate someone for consideration. Mr. Maclin stated that Mr. Gorden has expressed to him in previous years as well as this year his interest in serving on this Board. Mr. Maclin stated that we need to approve this Resolution today to submit his name.

Mr. Maclin stated that the history is if the incumbent chooses to run for re-election, that's pretty much historically been the result, however, in visiting with the Executive Director of the TML Intergovernmental Employee Benefit's Pool, Mrs. Fryer indicated to him that if we had a City Councilmember who might be interested or be willing to serve that perhaps it would be good for the City to go ahead and nominate him and that way if Mr. Arisco had to resign then that would create a vacancy and since we have people who have shown an interest that would be the first place they went to to fill the unexpired term.

Councilmember Gorden stated that if there was an opening, in his opinion, it would serve the City well to have a representative there and he has some interest in serving.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that Jack Gorden, Jr. be nominated as the City's representative for the TML Intergovernmental Employee Benefits Pool. A unanimous affirmative vote was recorded.

13. APPOINTMENT OF NOMINEES – APPROVED – KURTH MEMORIAL LIBRARY BOARD OF TRUSTEES – MARY JO GORDEN – PAUL PEREZ – WALTER L. BORGFELD

Mayor Bronaugh stated that the next item for consideration was approval of nominees to serve on the Kurth Memorial Library Board of Trustees.

City Manager Maclin stated that included in the Council packet is a letter from the President of the Board of Trustees from the Kurth Memorial Library recommending the re-appointment of Mary Jo Gorden, Paul Perez, and Walter Borgfeld for three year terms to serve on the Board of Trustees at the Library.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson that Mary Jo Gorden, Paul Perez and Walter L. Borgfeld, Jr. be re-appointed for a three year term on the Board of Trustees of the Kurth Memorial Library. A unanimous affirmative vote was recorded.

14. PROPOSAL – APPROVED – WHISTLE HOLLOW DRAINAGE PROJECT

Mayor Bronaugh stated that the next item for consideration was a proposal for the Whistle Hollow drainage project.

City Manager Maclin stated that this was an item that Council had discussed previously. Mr. Maclin stated that Mr. Robertson had requested a substitution of this project for the Mantooth Street overlay project. Mr. Maclin stated that this is basically replacing some undersized and/or collapsed storm sewer on Whistle Hollow. Mr. Maclin stated that basically the water comes down the hill and crosses the street and on large rain fall events the water pools in the street creating a driving hazard or issue for citizens who are on the end of the cul-de-sac to be able to get out to Pershing.

Mr. Maclin stated that the Engineering Department's estimate for probable cost is $24,058.10. Mr. Wright stated that this will reduce the frequency of that occurring but it will not eliminate it.

Councilmember Robertson stated that he did appreciate consideration of this matter and how the Engineer's estimate came in on this project.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L.Kuykendall that the Whistle Hollow Drainage Project in the amount of $24,058.10, as a substitution for the street overlay in 2003, be approved as submitted. A unanimous affirmative vote was recorded.

15. AUTHORIZATION TO PURCHASE – APPROVED – AMBULANCE AND ACCESSORIES – FIRE DEPARTMENT - HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM

Mayor Bronaugh stated that the next item for consideration is authorization to purchase an ambulance and accessories for the Fire Department.

City Manager Maclin stated that this is one of the items Council discussed earlier during the discussion of our bond issuance. Mr. Maclin stated that this is for an ambulance remount and we have a bid of $118,500 through the Houston-Galveston Area Council Cooperative Purchasing Program. Mr. Maclin stated that the ambulance is built by Frasier, the premier maker of ambulances in the State of Texas, and delivery will be in approximately 90 days, which would put us into the next fiscal year.

In response to question by Councilmember Robertson, Mr. Maclin stated that the amount varies depending on the quality of the old vehicle as to how much the City gets for the old vehicle. Mr. Maclin stated that the money we receive for the old equipment goes into the General Fund as miscellaneous revenue.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Lynn Torres that authorization to purchase an ambulance and accessories for the Fire Department from the Houston-Galveston Area Council Cooperative Purchasing Program in the amount of $118,500 be approved as submitted. A unanimous affirmative vote was recorded.

16. BID – APPROVED – EXTENSION OF WATER MAINS – LOOP 287 AND TULANE DRIVE – J & D CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was bids for the extension of water mains at Loop 287 and Tulane Drive.

City Manager Maclin stated that included in the Council packet is the bid tabulation and staff is recommending the low bid of J & D Construction in the amount of $133,246.31.

In response to question by Councilmember Robertson, Mr. Maclin stated that staff had consulted with the City Attorney on the bids and the law does allow an error to be corrected and it was corrected in compliance with the bidding law.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Lynn Torres that the low bid of J & D Construction in the amount of $133,246.31 for the extension of water mains at Loop 287 and Tulane Drive be approved as submitted. A unanimous affirmative vote was recorded.

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

City Manager Maclin stated that the information for the TML trip to San Antonio had been received today and asked that Councilmembers who are interested in attending this seminar to be in touch with the City Secretary.

18. There being no further business for consideration, meeting adjourned at 6:05 p.m.

Louis A. Bronaugh
Louis A. Bronaugh – Mayor

ATTEST: Atha Martin
Atha Martin – City Secretary