

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
21st OF OCTOBER 2003

On the 21st day of October 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
Rose Faine Boyd	Councilmember, Ward No. 2
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
Kenneth Williams	Director of Public Works

being present when the following business was transacted.

1. Meeting was opened with prayer by City Manager C. G. Maclin.
2. Mayor Bronaugh welcomed visitors present. Councilmember Torres welcomed LHS students who were attending the Council meeting to satisfy their government requirements.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of October 7, 2003 were approved on a motion by Councilmember Dennis Robertson and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

4 ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – LARGE SINGLE-FAMILY DWELLING TO LOCAL BUSINESS – FRANK AVENUE BETWEEN PERRY DRIVE AND HILL STREET – JACK WADE, JR.

Mayor Bronaugh stated that the next item for consideration was the request of Jack Wade, Jr. to change the zoning from “Large Single-Family Dwelling” to a “Local Business” zoning district on approximately 1.45 acres of land described as Tract 42 out of the J. A. Bonton Survey (Abstract No. 5) located on the north side of Frank Avenue between Perry Drive and Hill Street.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that Ordinance to change the zoning from “Large Single-Family Dwelling” to a “Local Business” zoning district on approximately 1.45 acres of land described as Tract 42 out of the J. A. Bonton Survey (Abstract No. 5) located on the north side of Frank Avenue between Perry Drive and Hill Street be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5a. ADDENDUM TO AGENDA – APPROVED – MEMORIAL MEDICAL CENTER OF EAST TEXAS

Mayor Bronaugh stated that an addendum has been added to the City Council agenda as a public necessity for the development of a health care facility for Memorial Medical

Center of East Texas. Mayor Bronaugh stated that this item is to consider closing Moore Street between Ellis and Frank, west of Bynum and being 50' wide and 779.49' long.

City Manager Maclin stated that there are two or three items relating to this, some of them just hand delivered this afternoon; the first one is a letter from Dr. Dale Clark, President of Pineywoods Medical Development Corporation seeking the closure and acquisition of this street property. Mr. Maclin stated that there is also a letter signed from Elite Cleaners, the other contiguous property owner to the street in question, basically indicating their desire to have an easement and relinquishing their option to purchase of their contiguous tract. Mr. Maclin stated there is also an appraisal from Jake Lyons. Mr. Maclin stated that the appraisal is for .719 acres appraised at a value of \$2.70 per foot for a total of \$84,563.03.

City Attorney Flournoy stated that any time you close a street even though it is a dead end street it does require an opportunity for a Public Hearing and as always the City's Ordinance for closing streets are read on two different occasions. Mr. Flournoy stated that the Public Hearing allows anyone who may have an objection to the closing of this street to appear at this time. Mr. Flournoy stated that the only people who might object at this time would be Elite Cleaners and he understands that there is an agreement with them. Mr. Flournoy stated that the hospital already owns all the property that is contiguous to this street and obviously they are the petitioner for this.

Dr. Dale Clark thanked Council for the short notice in presenting this request. Dr. Clark stated that they are adding another medical office building and on the bottom floor is an out patient diagnostic clinic that will be a state-of-the-art facility that Lufkin has never seen before. Dr. Clark stated that they will be housing 12 more physicians, six of which will be new to the community. Dr. Clark stated that every physician they move to the community is worth, as the economic development says, a million dollar turn in the community – so, there is six million dollars there. Dr. Clark stated that the other aspect is what is called out migration; if you don't have the service here in town they will get in their car and go some place else. Dr. Clark stated that they are trying to keep people at home. Dr. Clark stated that they are not, and never have been, in competition with Woodland Heights. Dr. Clark stated that they have gone through the hospital systematically and renovated everything, floor by floor, and are in the process of looking at what they have done and the aspect of trial and success rather than trial and error.

In response to question by Councilmember Gorden, Dr. Clark stated that the building will have approximately 45,000 SF. Dr. Clark stated that on the first floor there will be an out patient diagnostic clinic with new state-of-the-art MRI's that have not been used in the community, faster CT scanners, mammography, ultra sound, every service that can be provided as out patient.

In response to question by Councilmember Robertson, Dr. Clark stated that the only other property involved would be the Christian Information Center and they have them on contract, and they are staying until April while they are waiting for their new facility to be built.

Councilmember Robertson stated that in looking at the plan drawing included in the notebook it looks like access to the emergency entrance on the Frank side is being closed off. Dr. Clark stated that when people come through the middle of the hospital they are parking on one side and crossing over. Dr. Clark stated that it is real dangerous when someone comes right through the middle of your campus, so what they are doing is routing everything around both sides and coming in the back on Ellis Street and will be making some changes in the back parking area for the ambulances to come in. Dr. Clark stated that they will come in in two directions, with access from Ellis. Dr. Clark stated that they have already talked to Goldstar and the City, and they understand, and actually prefer coming in on Ellis.

In response to question by Councilmember Langston, Mr. Wright stated that there is a sewer line and a 2" water line in the easement and the Engineering Department has determined that they will all be abandoned and removed.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that Ordinance to close a portion of Moore Street to be purchased by Memorial Health System be approved on First Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE – APPROVED – FIRST READING – SPEED ZONES – U S HIGHWAY 59 SOUTH

Mayor Bronaugh stated that the next item for consideration was an Ordinance setting the speed zones for U. S. Highway 59 South.

City Manager Maclin stated that included in the Council packet is a letter from TxDOT from Richard K. Ivey, the Traffic Systems Administrator and a proposed Ordinance for Council consideration. Mr. Maclin stated that this will take the area from FM819 south to the City limits and place a lower speed limit on it. Mr. Maclin stated that the City annexed the Settlement and it moved the City limits on the south border out near the Garden of Memories Cemetery, so this will drop the speed limit at that point from 70 to 60 and then a little further down to 55 and a little further at the Holiday Inn area down to 40 so that it can improve the safety in this area. Mr. Maclin stated that there is a lot of traffic going in and out of the Pentecostal Campgrounds, and there is a traffic light at FM 819 and US 59 that has had a tragedy with a triple death accident. Mr. Maclin stated that this is a tool that will be used to slow the incoming traffic down to improve the safety in this area. Mr. Maclin stated that this is through TxDOT but Council has to approve the Ordinance in order for it to be legal.

In response to question by Councilmember Gorden, Mr. Maclin stated that the 45 mph speed limit is only 1280' south of the traffic light and then jumps up 55 mph, goes another 3/10's of a mile and then 7/10's of a mile which will take you out to the Garden of Memories where the City limits sign is. In response to question by Councilmember Gorden, Mr. Maclin stated that the speed limit to the Loop is 50 mph. Councilmember Gorden stated that it is a little confusing that it goes from 45 mph and speeds up to 50 mph as you get into town.

Mr. Wright stated that the City had not asked TxDOT to review that portion of US 59 that goes to the Loop but it could be done. Mr. Wright stated that the City asked TxDOT to look at FM 819 to the City limits because of the complaints from the Settlement area of people trying to pull out onto the highway who were concerned about the speed limit. Mr. Wright stated that is why they asked TxDOT to perform a study. Mr. Wright stated that they do a traffic count and review accidents that have occurred and as Mr. Maclin pointed out the traffic light at FM 819 has had several accidents and that is what they based their recommendation on. Mr. Wright stated that the City can ask TxDOT to go back and look at FM 819 to the Loop.

In response to question by Councilmember Langston, Mr. Wright stated that he was under the impression that the speed limit from FM 819 to the Loop is 55 mph. Mr. Wright stated that he would concur with Mr. Gorden in that 45 mph on into town is appropriate. Councilmember Torres stated that a compromise of 50 mph all the way through may work as well. Mr. Wright stated that we will have two readings of the Ordinance, which would give him two weeks to talk to TxDOT before the next meeting.

In response to question by Mayor Bronaugh, Mr. Wright stated that there are several warrants that TxDOT goes through, which consist of seven different conditions they look at. Mr. Wright stated that it is the 85 percentile of the speed that they look at.

Mr. Maclin stated that the City asked TxDOT to do a study and during the time that they were doing the study the City was enforcing the speed limit. Mr. Maclin stated that there was a high visibility of the City's patrol units during the time the study was being conducted and that was what created the 45 mph speed limit.

Councilmember Gorden asked if it is rational for it being 45 mph on this section of the highway. Mr. Maclin stated that it needs to be consistent whatever it is. Mr. Maclin stated that the key is that we are trying to find a way to reduce accidents and lowering the speed according to the Traffic Engineers is one of the most efficient ways of accomplishing that. Mr. Wright stated that bringing the speed down in steps to that

red light is a good way to minimize traffic accidents. Mr. Wright stated that he did agree from the red light back to the Loop, if we have a change in speed limits, we need to ask them to look at that. Mr. Wright stated that we have traffic going 70 mph and they are not slowing down and most of the accidents are rear end collisions from traffic moving too fast trying to come up to the red light where other traffic is stopped.

Councilmember Langston stated that he had a concern about slowing down to 45 mph at that distance out, but to have that many traffic speed changes concerns him that we have not gone far enough with our study. Councilmember Langston stated that, in his opinion, this is a partial and an incomplete study to draw a good conclusion especially when you are turning on a farm road that has a higher speed limit allowed.

Mr. Maclin stated that another option would be to table this and let staff go back to TxDOT and express these concerns and see if they will do further studies so we can develop some greater consistency. Mr. Wright stated that the City was just responding to some complaints that had been received from the public on US 59. Mr. Wright stated that if TxDOT has to do additional studies it will be a while before the report gets back to Council because they have to have a consultant come in and conduct the studies.

In response to question by Councilmember Boyd, Mr. Wright stated that from FM 819 going towards Houston the first 1,288 feet, the speed limit is 45 mph, for the next 2,028 feet it would be 55 mph, and out to the Settlement and Garden of Memories it would go to 60 mph, in either direction. Mr. Wright stated that when you get to the light it is either 50 or 55 mph.

Mr. Maclin stated that there is an issue of accidents at the traffic light predominantly rear end collisions, but there is also the issue of the individuals coming out of the Settlement subdivision when they are going to go northbound back into town they have to pull into the little island in between the four lanes and there is traffic going 70 mph coming across the top of that hill and the line of sight is not real long. Mr. Maclin stated that part of this is getting it down to 60 and 55 in that area just to minimize some of the problems with the 70 mph traffic. Mr. Maclin stated that the second phase was trying to slow people down going into the intersection and trying to minimize the rear end collisions.

Mr. Wright stated that he had requested this study back in January and he was just now getting the results.

Councilmember Torres stated that this makes sense as long as you are going south, it is when you are going north that it causes some trouble.

Chief Marcotte stated that on the step down, if it is changed and then changed again, it might be a little confusing. Chief Marcotte stated that the Police Department can enforce the law whatever way it is set up. Chief Marcotte stated that it might be prudent to keep it at 45 mph from the light to the Loop to protect those people turning into the businesses along 59 to the Loop, which would be enforceable for the Police Department.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Rose Faine Boyd that Ordinance setting the speed limits on U. S. Highway 59 be approved on First Reading with the addendum that the City ask TxDOT to study the area from the light at FM 819 to the Loop.

Councilmember Langston stated that he would like to make one comment in that regard and that is that his only concern is not the speed that's been recommended but the inconsistency that close to an intersection. Councilmember Langston stated that for that reason he is concerned that Council is doing two things – one, sending a mixed message to the traveling public, and two, we are possibly giving the citizens a thought that Council is creating a speed trap in essence when we take fast moving traffic and cut it to 45 and immediately allow it to speed up. Councilmember Langston stated that he would encourage Council to get this study commissioned, requested and done as soon as possible north of that light.

Mr. Wright asked why we didn't go ahead and make it a part of the motion as a recommendation to reduce the speed limit to be consistent all the way to US 59. Mr. Wright stated that the City could ask TxDOT and they could agree or deny our request.

Councilmember Torres amended her motion to include the recommendation to reduce the speed limit to 45 mph from the red light at FM 819 to be consistent all the way to the Loop. Councilmember Boyd concurred.

A unanimous affirmative vote was recorded.

6. DRUG-FREE RESOLUTION - APPROVED

Mayor Bronaugh stated that the next item for consideration was the Drug-Free Resolution.

City Manager Maclin stated that included in the Council packet is a Resolution to update our Drug-Free Zones. Mr. Maclin stated that Mr. Wright had a copy of the map that is highlighted. Mr. Maclin stated that this is something Council needs to do to show the appropriate locations and by having it updated on a regular basis it improves the enforcement capability for the Drug-Free Zone.

Motion was made by Councilmember Don Langston and seconded by Councilmember Dennis Robertson that the Drug-Free Resolution be approved as presented. A unanimous affirmative vote was recorded.

7. RELEASE OF RETAINAGE – APPROVED – ASBESTOS CEMENT WATERLINE REPLACEMENT PROJECTS #3 AND #10

Mayor Bronaugh stated that the next item for consideration was the approval and release of retainage on Asbestos Cement Waterline Replacement Projects #3 and #10.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the City Engineer along with the certificate of completion signed by the registered professional engineer who is the project manager over these projects. Mr. Maclin stated that this certifies that the projects are complete and have met all the specifications and is also a requirement that the Council have the final approval as related to our Texas Water Development Board loan that we utilize for the funding. Mr. Maclin stated that staff is seeking Council's approval and release of the retainage for these two projects.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Lynn Torres that the release of retainage on Asbestos Cement Waterline Replacement Projects #3 and #10 be approved as presented. A unanimous affirmative vote was recorded.

8. APPOINTMENT – APPROVED – ANGELINA COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS – ROSE FAINE BOYD

Mayor Bronaugh stated that the next item for consideration was appointment of Councilmember to the Angelina County Appraisal District Board of Directors.

City Manager Maclin stated that included in the Council packet is a letter from Keith Kramer of the Angelina County Appraisal District stating that our current representative's (Mrs. Boyd) term will be expiring at the end of December and we need a Resolution to appoint Council's representative.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Jack Gorden, Jr. that Rose Faine Boyd represent the City of Lufkin on the Angelina County Appraisal District Board of Directors. A unanimous affirmative vote was recorded.

9. **COOPERATIVE AGREEMENT – TABLED – ANGELINA CITIES/COUNTY HEALTH DISTRICT**

Mayor Bronaugh stated that the next item for consideration was the renewal of the Cooperative Agreement between the City of Lufkin and the Angelina Cities/County Health District.

City Manager Maclin stated that Sharon Shaw, Executive Director of the AC/CHD, was out of town and staff would recommend that this item be tabled until next meeting.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Langston that the Cooperative Agreement renewal between the City of Lufkin and the Angelina Cities/County Health District be tabled until next meeting. A unanimous affirmative vote was recorded.

10. **FINANCE COMMITTEE REPORT**

Mayor Bronaugh stated that the next item for consideration was the Finance Committee Report. Mayor Bronaugh stated that Dick Long, the City's Investment Counselor, was present at tonight's meeting.

Councilmember Robertson stated that the Committee had a good meeting this afternoon with the City's consultant, Mr. Dick Long from Valley View Consulting. Councilmember Robertson stated that Mr. Long had gone over the City's portfolio with the Committee showing where the investments were and those kinds of things that determine the City's income from their investments. Councilmember Robertson stated that the interest rates are staying consistently low at 1 and 1 ½ right now. Councilmember Robertson stated that Mr. Long told the Committee that the economic outlook is looking better for the next quarter and in the future. Councilmember Robertson stated that the City has a little over \$30 million invested in their portfolio and that earned according to the financial report, \$537,498 returned on the City's investment for fiscal year 2003, which was better than projected.

Councilmember Robertson stated that the City's investments are mostly in TexPool and agencies. Councilmember Robertson stated that we have a little more in TexPool than we would like to have but Mr. Long is working with what he calls the "laddering" effect and trying to get a lot of that money moved out over a logistical time frame into the government agency investments. Councilmember Robertson stated that that should give the City a little better return than what they have right now, assuming that the picture stays the same.

Councilmember Robertson stated that the Finance Committee approved the list of independent training sources and the approved broker list that Mr. Long gave to the Committee members. Councilmember Robertson stated that they had approved nine independent training sources and eight on the broker dealer list that the City would deal with as far as purchasing those securities.

Councilmember Robertson stated that the Committee approved the changes to the Investment Policy. Mr. Maclin stated that Council had copies of both the Investment Policy and Investment Strategies. Mr. Long stated that the changes were very minor. Mr. Long stated that as per the Public Funds Investment Act, the Council is required on an annual basis to review and re-adopt in essence their policy. Mr. Long stated that the City's policy allows for the Finance Committee to look over the Policy first and then bring it to Council.

Mr. Long stated that there were a couple of minor typo changes and on page three he wanted to insert some language dealing with the required training that the Investment Officers must attend every two years to specifically state that independent sources approved by the Finance Committee are acceptable as the training source. Mr. Long stated that the Act does require that the training be independent and the source be approved either by the Council or the Finance Committee. Mr. Long stated that on page eight in dealing with collateralization of bank deposits, it is really a change in the Federal rules. Mr. Long stated that the written agreement the City has with the depository bank concerning collateral needs to be approved by the Board of Directors or, the old language was "loan committee", and the language got revised to say

“designated committee”. Mr. Long stated that the Committee changed our policy to read “designated committee”.

Councilmember Robertson stated that the Finance Committee did approve renewing the agreement the City has with the Valley View Consulting for a period of two years. Councilmember Robertson stated that Mr. Long has been of tremendous benefit to the Committee in providing consulting work for the City’s investment portfolio.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Rose Faine Boyd that the Finance Committee Report and the policy statement changes in the City’s Investment Policy be approved as presented. A unanimous affirmative vote was recorded.

11. INVESTMENT CONTRACT RENEWAL – APPROVED – VALLEY VIEW CONSULTING

Mayor Bronaugh stated that the next item for consideration was the renewal of the investment contract with Valley View Consulting.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that renewal of the investment contract for Valley View Consulting be approved for two years as presented. A unanimous affirmative vote was recorded.

12. BID – APPROVED – PLAYGROUND EQUIPMENT – PARKS DEPARTMENT – TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE

Mayor Bronaugh stated that the next item for consideration was bids for playground equipment for the Parks Department.

City Manager Maclin stated that included in the Council packet is the bid tabulation through the Texas Local Government Purchasing Cooperative and staff is recommending the purchase of GameTime playground equipment for Morris Frank Park and Ward Street Park in the amount of \$26,582.46.

In response to question by Councilmember Langston as to whether this was a recommendation from the Parks Advisory Board, Mr. Maclin stated that this is actually a carryover from last year’s budget.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Dennis Robertson that the bid of Texas Local Government Purchasing Cooperative in the amount of \$26,582.46 for playground equipment for the Parks Department be approved as submitted. A unanimous affirmative vote was recorded.

13. BID – APPROVED – UPGRADING OF PROPOSED SEWER MAIN – GASLIGHT MEDICAL PARK – B. J. EXCAVATING

Mayor Bronaugh stated that the next item for consideration was the award of bid for upgrading of proposed sewer main from 8” to 18” at the Gaslight Medical Park.

City Manager Maclin stated that staff is seeking Council’s consideration under our subdivision ordinance to upgrade the size of the sewer main. Mr. Maclin stated that the sewer main that is required for Gaslight Medical Park facilities is an 8” and staff is recommending that we take advantage of our Subdivision Ordinance and upgrade that to an 18” because the value to the residents just north and east of that area will be beneficial to improve the quality of sewer service. Mr. Maclin stated that currently some of the houses and businesses located in that area are connected to a main that more or less makes a “u” shape and carries the sewer a little bit extra distance plus actually makes a bend of 180 degree turn. Mr. Maclin stated that staff feels like by upgrading this to an 18” and taking those businesses and residents onto this new 18” main it will significantly improve their quality of service. Mr. Maclin stated that we have had some issues particularly in the Cordelia Street area near Ellis and some other locations in high rain events, and this will improve their quality of service. Mr. Maclin stated that staff felt like this was a good opportunity to work in partnership with the

development. Mr. Maclin stated that staff is recommending that we participate in the upgrade of this from 8" to 18" at a cost of \$56,750 to B. J. Excavating Company.

Councilmember Langston asked how much pipe are we talking about. Mr. Wright stated that he could not remember the exact amount of pipe but basically it was the length of the roadway that goes from Gaslight over to Ellis Street where it makes the 90 degree turn as it comes into Frank Street. Mr. Wright stated that another project would be that the city would extend that line from that point down towards the Ellis Street bridge. Mr. Wright stated that right now the sewer flows from the new road side of the Ellis Street bridge back across the bridge towards Cordelia then goes across Frank Street and flows back down across Frank Street and flows down Frank Street. Mr. Wright stated that they will be eliminating all that by bringing the sewer back through the new road and eliminating the big "u" that it is making right now.

In response to question by Councilmember Langston, Mr. Wright stated that this would be a separate project using City forces. Councilmember Langston stated that he has two concerns – in reading the Subdivision Ordinance verbatim it says that our requirement or the developers requirement would be for us to pay for the cost difference in the sizing of the pipe. Councilmember Langston stated that \$56,000 is considerably more than the cost difference in pipe and that is why he was wondering what all this would include. Councilmember Langston stated that we don't have a breakdown giving clear information. Mr. Wright stated that the only breakdown that staff had was from B. J. Excavating. Mr. Wright stated that he had asked one of his staff to look at the breakdown from B. J. Excavating and make sure that it was a reasonable breakdown. Mr. Wright stated that it was reported back to him that it was reasonable. Mr. Wright stated that once you go up to an 18" pipe it is much more expensive. Councilmember Langston stated that it was about \$12 a foot difference and he understood that but that would be almost a mile of pipe. Mr. Wright stated that he did not think that it was that far, and that he would go back and look at that. Mr. Wright stated that the developer is wanting to move forward right now. Mr. Wright stated that this is not something the City has to do but was an opportunity staff saw that we could utilize to do it.

Councilmember Langston stated that he thought it was a good idea, especially with the explanation that Mr. Wright had given, but he also knows that we have to follow the Ordinance. Councilmember Langston stated that this appears to be exorbitant in the difference in the cost of pipe. Councilmember Langston stated that he would like to see us adhere to the Ordinance and make sure that we have enough information to feel comfortable that that is what we are paying for and what the Ordinance requires us to pay for. Councilmember Langston stated that that was his only concern.

In response to question by Mr. Wright, Councilmember Langston stated that he read the Ordinance and it says the cost difference in the material. Mr. Wright stated that he thinks that this cost includes labor as well. Councilmember Langston stated that he would then say that we have not adhered to the Ordinance; the Ordinance says the cost difference in the material. Mr. Wright stated that historically that is the way the City has done it; the City has paid for the difference in the cost to the developer. Mr. Wright stated that he would go back and read the Ordinance.

Councilmember Langston stated that he would also like to get a bid tab or something. Mr. Wright stated that he does have a bid tab from B. J. Excavating. Councilmember Langston stated that what he is really asking is, what does this include because obviously the bid includes more than the cost difference in material.

Councilmember Robertson stated that Councilmember Langston brings up a good point and if that is the way the Ordinance really reads then we should be adhering to that or we would be remiss in making Ordinances and setting up standards if we are not following them. Councilmember Robertson says that Mr. Wright stated that there was an urgency. Councilmember Langston stated that he would have no problem approving this subject to the wording of the Ordinance and not approving a dollar amount as much as approving the body of the Ordinance. Councilmember Langston stated that there may have been an amendment that he was not aware of. Mr. Wright stated that there has not been an amendment and this includes more than material, it includes labor as well. Mr. Wright stated that if we don't do this now, the developer is going to move

forward with it. Councilmember Langston stated that Council can require it. Councilmember Langston stated that he could not approve what he sees and if we have an Ordinance in place he would like to see the letter of the law of the Ordinance followed. Councilmember Langston stated that if that means we need to get more information then it was his opinion that Council could approve this subject to that additional information. Councilmember Langston stated that he would make a motion that Council approve this subject to following the Ordinance's direction, which he understands is the cost difference between the pipe sizes for material only and allow the developer to move forward as soon as they provide us with that information.

Mayor Bronaugh stated that the motion is that we award this bid subject to the Ordinance as printed and a breakdown of the

Motion was made by Councilmember Don Langston and seconded by Councilmember Dennis Robertson that Council approve this request and follow the Ordinance's direction which is to reimburse the cost difference between the pipe sizes for material only and allow the developer to move forward as soon as they provide the City staff with a detailed breakdown of the cost. A unanimous affirmative vote was recorded.

14. EXECUTIVE SESSION

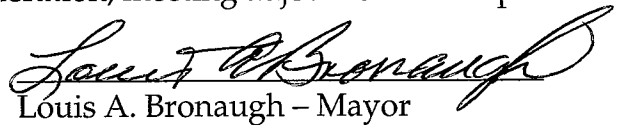
Mayor Bronaugh recessed Regular Session at 6:12 p.m. to enter into Executive Session. Regular Session reconvened at 7:15 p.m. and Mayor Bronaugh stated that attorney/client matters and dilapidated houses had been discussed.

City Attorney Flournoy recommended that the following houses be approved for demolition:

1. 105 McHale
2. 821 Cottonbelt
3. 1201 North Avenue
4. 103 Mill
5. 416 Bob

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember R. L. Kuykendall that the five houses recommended for demolition by the City Attorney be approved as presented. A unanimous affirmative vote was recorded.

15. There being no further business for consideration, meeting adjourned at 7:21 p.m.


Louis A. Bronaugh – Mayor

ATTEST:

Atha Martin – City Secretary