MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF JUNE, 1995 AT 5:00 P. M.

On the 20th day of June, 1995 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:

Don Boyd	Mayor pro tem
Percy Simond, Jr.	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Stephen Abraham	City Planner
Atha Stokes	City Secretary

being present, and

Louis Bronaugh	Mayor

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Charles Roberts, Minister, Denman Avenue Baptist Church.

2. Mayor pro tem Boyd welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of June 6, 1995 be approved as presented. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - AUTOMOTIVE PAINT & BODY SHOP - LOCAL BUSINESS ZONING DISTRICT - 819 NORTH FIRST STREET - MICHAEL W. WINDSOR

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance for approval of a Special Use Permit for Automotive Paint & Body Shop within a Local Business zoning district and located at 819 North First Street as requested by Michael W. Windsor.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that the Ordinance for a Special Use Permit for an Automotive Paint & Body Shop as requested by Michael W. Windsor be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - AMENDMENT FOR DOWNTOWN PARKING

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance amending the Traffic Ordinance for downtown parking.

Motion was made by Councilmember Betty Jones and seconded by Councilmember

Tucker Weems that the Ordinance amending the Traffic Ordinance for downtown parking be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - SECOND READING - ESTABLISHING MAXIMUM SPEEDS - FM 2251 - SAYERS STREET**

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance establishing maximum speeds on FM Road 2251 (Sayers Street).

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the Ordinance establishing maximum speeds on FM Road 2251 (Sayers Street) be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - LOOP 287 AND FM 58 - COMMERCIAL AND RESIDENTIAL LARGE ZONING DISTRICTS TO LOCAL BUSINESS CLASSIFICATION - PROPOSED SITE PLAN - LOWE'S HOME CENTER**

Mayor pro tem Boyd stated that the next item for consideration was the request of Lowe's Home Center to change the zoning on approximately 17.891 acres of land located at the southwest corner of Loop 287 and FM 58 from Commercial and Residential Large zoning districts to a Local Business classification and also approval of a proposed site plan.

City Manager Maclin stated that included in Council's packet is a unanimous recommendation of approval from the Planning & Zoning Commission for this request as submitted. City Manger Maclin stated that representatives from Lowe's were present and wished to make a presentation to Council.

Eric Dowell, representative of Lowe's, and officed in North Carolina, stated that on behalf of Lowe's he would like to take this opportunity to thank the Mayor and Councilmembers for allowing him to come before Council to present this zone change request for approximately 17 acres of property at South Loop 287 and Chestnut Street.
Mr. Dowell stated that over the past year and a half Texas has been a very important market for Lowe's in their expansion program, bringing 10 to 12 new stores to the State to date, and this growth will continue for another year. Mr. Dowell stated that Lowe's was very excited to be able to place one of their stores in Lufkin.

Mr. Dowell stated that Lowe's began their operations in the early 1950's and have been a publicly traded company on the New York Stock Exchange since the early 1960's. Mr. Dowell stated that Lowe's is the second largest retailer in the home improvement industry within the United States. Mr. Dowell stated that Lowe's marketing staff has put together a 7 to 9 minute video of what Lowe's is and what it has to offer, and he would present that at this time.

Mr. Dowell stated that the facility Lowe's will build in Lufkin will have a 115,000 sf sales floor facility accompanied by a greenhouse and garden center. Mr. Dowell stated that the front of the store will be oriented towards the Loop, and the greenhouse and garden center will face Chestnut. Mr. Dowell stated that Lowe's is proposing two entrances off of the Loop and two entrances off of Chestnut. Mr. Dowell stated that the drainage on this site will be captured in inlets and then piped back to a proposed detention pond. Mr. Dowell stated that Lowe's is proposing 150 new jobs once the store is open; 100 of those will be full time employees.

Councilmember Simond stated that he was concerned that big businesses such as Wal-Mart and Lowe's will be running the small businessman out of business, because they will not be able to compete.

In response to a question by Councilmember Weems, City Planner Stephen Abraham stated that drainage was one of the primary issues that the City staff was concerned with at this site because of input regarding drainage at the Town Hall meeting. Mr. Abraham stated that the first directives passed along to the consulting engineers was the City's overriding concern for drainage at this site. Mr. Abraham stated that this site plan proposes the use of the detention pond, it takes the existing storm water run-off that falls on that site right now and reduces that rate by 40%. Mr. Abraham stated that it will not reduce the amount of water that will run off but it will reduce the rate at which it will run off through the series of inlets, holding it in the pond and releasing it out over a longer period of time. Mr. Abraham stated that this should reduce the potential for flooding for all down stream properties in the entire watershed. Mr. Abraham stated that staff has continued to review calculations on the off-site storm water that passes under FM 58 to make sure that the storm sewer is adequate. Mr. Abraham stated that the proposed box culvert that connects to the existing culvert under FM 58 and then runs behind the store will allow for an increase in stormwater capacity of the FM 58 culvert to approximately 900 CFS. Mr. Abraham stated that representatives from TxDOT have stated on numerous occasions that they have no plans to increase the size of the box culvert. Mr. Abraham stated that there is a note on the site plan that reads "The culvert size will be coordinated with TxDOT to assure the design will comply with any proposed future improvements to FM 58." Mr. Abraham stated that there will be a 30' wide easement around this box culvert which will give the City the opportunity to see in the future that that drainage culvert is expanded and excess capacity is there. Mr. Abraham stated that, in his opinion, staff has done everything that is possible at this point to assure themselves that they have handled what is proposed on site and handled the off-site drainage that exists. Mr. Abraham stated that a whole new set of calculations will be required at the building permit stage. Mr. Abraham stated that City staff will continue to coordinate with the Texas Department of Transportation on this request.

In response to a question by Councilmember Bowman, Mr. Abraham stated that the businesses that will have to relocate are Timberline, Timberjack and the car wash. Mr. Abraham stated that the Lowe's facility will start immediately east of S & W Body Shop.

Mayor pro tem Boyd recognized James Lawrence who resides at 2101 S. Chestnut. Mr. Lawrence stated that he has appeared before Council on numerous occasions regarding water problems. Mr. Lawrence stated that this facility will be located immediately across the street from his property, and that one of the proposed driveways will be across from the front door of his home. Mr. Lawrence stated that he was concerned about the residential large homes in the area and that the intrusion of this business will be changing their lifestyles. Mr. Lawrence stated that he had resided on his property for 60 years. Mr. Lawrence stated that Lowe's has a nice looking building which will face the Loop but the loading dock and trash bins will face FM 58 where he will be able to look out his front door and see them. Mr. Lawrence stated that he was also concerned about the water problem. Mr. Lawrence stated that he did not question the engineers that Lowe's has hired for this facility, because he felt they were probably good engineers. Mr. Lawrence stated that, in his opinion, they were approaching the retention pond with a good theory, but he wanted to be extra cautious. Mr. Lawrence stated that there is more water going under the culvert than the Highway Department would like to have there. Mr. Lawrence stated that all this time there has been discussion about the water on the East side of FM 58 that goes through a double 6 by 4 culvert, which Lowe's is proposing to join with a culvert this same size and extending it further down. Mr. Lawrence stated that it has not been explained to his satisfaction what will be done with the water that comes down on the west side of FM 58. Mr. Lawrence stated that he wanted the City staff to be very sure that what is being proposed will handle the water, because it is not handling it now. Mr. Lawrence stated that he was concerned about the traffic that will be created by the new facility and about the deliveries that will be handled on the FM 58 side.

In response to a question by Councilmember Jones, Mr. Lawrence stated that some of his questions had been answered by the City staff, but he had been talking to TxDOT about the size of the culvert and, in his opinion, the culvert size was not sufficient then and is not sufficient now. Mr. Lawrence stated that as a result he has a retention pond on his property. Mr. Lawrence stated that he had been before the Council about drainage problems, and he did not want to come back and complain about this water problem the next time it comes a big rain.

In response to question by Councilmember Bowman as to whether the City staff has worked with him to resolve his problems, Mr. Lawrence stated that Mr. Abraham had been very nice. Mr. Lawrence stated that he had brought up some issues and he was not completely satisfied with some of the answers. Mr. Lawrence stated that he wanted to say to Council that now is the time that if the City does have an easement on Lowe's property, he wanted to make sure that the culvert is big enough to handle not just what will go under FM 58 now, because it is not big enough now, but he wanted to make sure it is big enough to handle something beyond that.

In response to question by Councilmember Bowman as to whether there were some additional things that needed to be done in addition to what Lowe's has already proposed, Mr. Lawrence stated that the matter of the water coming down on the west side of FM 58 has not been addressed in any meeting that he has attended. Mr. Lawrence stated that this was a concern of his, and he had voiced this concern to TxDOT, also. Mr. Lawrence stated that his concern was real and he wanted to talk about it now before the fact. Mr. Lawrence stated that he wanted to compliment the City on the way they have handled the water problems. Mr. Lawrence stated that when a project like this (Lowe's) goes in it effects everybody from where this empties into Hurricane Creek, just behind the Mall, all the way up to Barrett Motors, Ponderosa and Sandybrook Streets, and all along the Loop. Mr. Lawrence stated that this encompasses a large water shed area and he wanted the City to be looking at the overall picture and make sure that they are planning adequately to handle the water.

In response to question by Councilmember Jones as to whether there had been consultation between the City and the Lowe's engineers with the Highway Department, Mr. Lawrence stated that they have talked but have not arrived at a final conclusion. Mr. Lawrence stated that he was just trying to make sure that what they do arrive at is adequate. Mr. Lawrence stated that he would like assurance from Lowe's about the delivery times and how the traffic will be handled.

Councilmember Weems stated that he would like for Mr. Lawrence to stay in contact with this project and let the Council know his feelings about what is happening.

Mr. Dowell stated that he would like to address some of the issues that have been raised. Mr. Dowell stated that in his job with Lowe's he has the opportunity to appear before Planning & Zoning Commissions and City Councils and he would like the Council to rest assured that the most important things they value at Lowe's is what is going to happen to their neighbors because they realize they are going to have an impact on the people who surround them. Mr. Dowell stated that Lowe's takes very seriously the comments that Mr. Lawrence has made tonight.

Mr. Dowell stated that Mr. Lawrence is concerned with the loading docks and trash bins that will be facing Chestnut. Mr. Dowell stated that Lowe's has an internally fed trash compactor thus eliminating any trash bins. Mr. Dowell stated that the grade of the building is ramped up and their building will actually sit 8' - 10' below Chestnut, and there will be some landscaping elements along Chestnut which will create a visual barrier, but the biggest asset in Mr. Lawrence's favor will be the grade differential. Mr. Dowell stated that Mr. Lawrence is also concerned about delivery times, and at the P & Z meeting he had indicated that the deliveries will be made in the morning, and he will assure Mr. Lawrence that there will not be any deliveries at 1 a.m. in the morning, but rather between the hours of 7 a.m. and 10 a.m. Mr.

Dowell stated that Lowe's will be placing a distribution center in Mt. Vernon which is about a three hour drive. Mr. Dowell stated that traffic will be an issue but as far as the truck traffic is concerned he would think that the traffic that is currently generated by Texas Timberjack would be far greater than the traffic generated by Lowe's trucks. Mr. Dowell stated that at best there will be 10 to 12 delivery trucks per day at Lowe's. Mr. Dowell stated that he is aware that there is concern about the existing box culvert under the road but, in his opinion, Lowe's has gone far and above what is required by the City's Ordinance regarding on site retention and protecting themselves from impacting downstream people. Mr. Dowell stated that primarily Lowe's can assure that they do not effect the downstream people and whatever the upstream conditions are they will have to make sure they can handle them. Mr. Dowell stated that based on the information provided today, they are very much in a position that they can handle existing runoff, based on calculations from their engineer as resulting from meetings with the Highway Department Engineers. Mr. Dowell stated that he is confident that Lowe's can handle the water that is there now. Mr. Dowell stated that he understands that there may be a problem but when you get upstream in a drainage area where they are not even impacting that area, there is no way that Lowe's can be required to handle an upstream problem.

Councilmember Bowman asked that Lowe's give Council some assurance that if something does happen that will impact Mr. Lawrence's property after the facility is built, that they would be willing to go back and work with him to alleviate the problem if one does develop. Mr. Dowell stated that "yes, he would". Mr. Ed Snodgrass, engineer, stated that based on conversations with TxDOT, Lowe's is planning to supply any capacity that TxDOT might require. Mr. Snodgrass stated that Lowe's can only do what TxDOT projects as their future developmental needs. Mr. Snodgrass stated that Lowe's has asked for and been given TxDOT's anaylsis of the existing system. Mr. Snodgrass stated that Mr. Lawrence may be correct in stating that the system is undersized, and if it is he would like TxDOT to reveal that to Lowe's they will match what they have. Mr. Snodgrass stated that Lowe's will in no way create a back water effect that will go back on each side of the property.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that the Ordinance for a zone change from Commercial and Residential large zoning districts to a Local Business classification be approved on First Reading as presented, with instructions to the staff to be very careful when they look at the site plans on final approval. A unanimous affirmative vote was recorded.

8. <u>AMENDMENTS - APPROVED - CHAPTER 13 - CITY OF LUFKIN CODE OF ORDINANCES - SOLID WASTE</u>

Mayor pro tem Boyd stated that the next item for consideration was proposed Amendments to Chapter 13 of the City of Lufkin Code of Ordinances.

City Manager Maclin stated that included in Council's packet was a letter from the Asst. City Manager of Public Works that basically gives an executive summary of the proposed changes in Chapter 13 of the Code of Ordinances. City Manager Maclin stated that Chapter 13 deals with solid waste collection. City Manager Maclin stated that most of these changes correlate with the changes in the type of collection system the City has implemented - the automated collection system. City Manager Maclin stated that some changes deal specifically with items related to curb side recycling. City Manager Maclin stated that in Mr. Wesch's letter the specific items are listed. City Manager Maclin stated that representatives from Angelina Beautiful/Clean and the Neighborhood Alliance are present tonight to voice their support for Article II- Section 13.11.

Corlis Dobson, Solid Waste Director, stated that there are some definitions that are being added for clarification. Mr. Dobson stated that the largest issue may possibly be Section 13-12 under Article II: "Item C - Containers shall be removed from the streets and roadways by 9:00 p.m. on the day of service." Mr. Dobson stated that this has been an issue that the Neighborhood Alliance, AB/C, and numerous individuals have voiced their concerns on. Mr. Dobson stated that the bulk of the remainder of the issues are just updating the Ordinance to replace the bag system with the current container system.

In response to a question by Mayor pro tem Boyd, Mr. Dobson stated that his staff tries to respond to requests to pick up small limbs within the same week the call is received, but the average time is between 5 and 10 days from the date the request is called in.

Councilmember Bowman stated that if citizens are required to remove their containers by 9 p.m. on the same day of service, then the limbs should be removed more expediently. Mr. Dobson stated that he personally reviews the called in requests.

In response to a question by Councilmember Gorden as to what will happen if citizens do not remove their containers from the curb, City Manager Maclin stated that the Solid Waste Department's approach would be to use the tagging system that is currently being used, placing the tag on the container with a message to the homeowner. City Manager Maclin stated that it is not management's desire to place a fine at this point, but they are looking for some type of Ordinance policy that will provide the documentation necessary for a voluntary compliance by the citizen. City Manager Maclin stated that currently the City is getting a substantial percentage of compliance already, there are pockets of locations where citizens are not in compliance and this is what perhaps motivated the Neighborhood Alliance and AB/C and others to try and see if there are ways for the City to address this issue. City Manager Maclin stated that if Council chose, they could place a fine on this for a Code Enforcement violation the same as a weedy lot, etc.

Councilmember Gorden stated that he had a problem with the policing of the containers, especially when people are out of town. Councilmember Gorden stated that he did not like to create Ordinances that are virtually unenforceable.

In response to a question by Councilmember Gorden, City Manager Maclin stated that there are some people who reside in townhouses where there is no place to store the containers and those people can remove their container from the curb and place it close to the building. Mr. Dobson stated that the Solid Waste Department has a list of elderly people who are assisted by the drivers in taking the containers to the curb for emptying and returning them to the garage or storage place.

Mr. Dobson stated that another problem with the citizens who are leaving their containers out is that they will not always have garbage in them and it is a waste of time for the drivers to stop for empty containers.

Councilmember Bowman stated that, in his opinion, a lot of this could be addressed by a City-wide education program.

Yana Pounders-Bullock, Executive Coordinator of AB/C, stated that she receives telephone calls daily from citizens wanting to know what she can do to get their neighbors to take in their containers. Mrs. Pounders-Bullock stated that it is her understanding that this Ordinance will address chronic offenders. Mrs. Pounders-Bullock stated that if the containers are left out they can be stolen, cause a traffic problem, and they just don't look "pretty". Mrs. Pounders-Bullockstated that as a member of AB/C it is her job to beautify the City, and there is a problem with the containers.

In response to a question by Councilmember Bowman, Mrs. Pounders-Bullock stated that she had called some of these offenders, but for the most part there are those chronic offenders who have no intention of complying.

City Attorney Flournoy stated that he could write something into this Ordinance to make the fine progressive - the first offense might be $5, the second offense $25, etc.

In response to a question by Councilmember Gorden, City Manager Maclin stated that staff could bring the Ordinance back on Second Reading with some modifications for repetitive offenders.

Ann Wallace, a member of the Tall Timbers Neighborhood Alliance, stated that as far as communication is concerned, the City is not reaching the Hispanic community at all. Mrs. Wallace stated that there are five families in her neighborhood who are chronic offenders. Mrs. Wallace stated that these families are well educated, are monied, and still leave their containers out all the time. Mrs. Wallace suggested adding $1 or $2 to their water bill. Mrs. Wallace stated that her parents who reside in Nacogdoches pay a fee of $3 monthly to have the driver bring their container to the curb and empty it.

Councilmember Simond stated that, in his opinion, the containers should be taken in, but he doesn't believe that the City should be a "big brother" and fine people. Councilmember Simond stated that since there are no sidewalks in Lufkin, it appears that the containers are being left in the street.

In response to a question by Councilmember Gorden, City Manager Maclin stated that what the City Attorney has been instructed to do before Second Reading is to modify the Ordinance so that it addresses chronic and repetitive violations, and possibly includes progressive fines so that the first offense is nominal and increases accordingly.

In response a to question by Councilmember Simond, City Manager Maclin stated that the staff has utilized a local service that provides Public Service Announcements on the Hispanic radio station, but primarily the staff has relied on a local firm that specializes in that area as far as communications with the Hispanic community. City Manager Maclin stated that staff utilizes their services on activities when the City makes a change on a service by using the Hispanic radio station. In response to question by Councilmember Simond, City Manager Maclin stated that at this present time, the tags attached to the containers are not written in Spanish.

Councilmember Bowman stated that perhaps a reminder to remove the containers from the curbside could be printed on the water bill. City Manager Maclin stated that a Lufkin Letter will be coming out in about 15 days and it will include some information regarding the removal of containers from the curbside.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that the proposed Amendments to Chapter 13 of the City of Lufkin Code of Ordinances be approved on First Reading, with revisions to be presented at Second and Final Reading. A unanimous affirmative vote was recorded.

9. <u>RESOLUTION - APPROVED - 1992 HOME PROGRAM GUIDELINES CHANGE - MAXIMUM REHABILITATION ASSISTANCE</u>

Mayor pro tem Boyd stated that the next item for consideration was a Resolution amending the 1992 HOME Program Guidelines to reflect a change in the maximum rehabilitation assistance.

City Manager Maclin stated that included in the Council packet is a letter from the Home Program Coordinator Kenneth Williams along with a proposed draft of a Resolution. City Manager Maclin stated that in the 1992 HOME Program guidelines established a maximum rehabilitation assistance of $20,000. City Manager Maclin stated that due to the fact that some of the bids came in a little above that amount, and in order to accomplish the minimum needs necessary for those rehabilitation units, staff is seeking Council's authorization to amend the guidelines up to a maximum of $25,000.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the Resolution amending the 1992 HOME Program Guidelines to reflect a change in the maximum rehabilitation assistance from $20,000 to $25,000 be approved as presented. A unanimous affirmative vote was recorded.

10. **RECOMMENDATIONS - APPROVED - NEIGHBORHOOD IMPROVEMENT COMMITTEE - BIDS - HOUSING REHABILITATION APPLICANTS - BILLY BROWN CONSTRUCTION - BOWLIN CONSTRUCTION**

Mayor pro tem Boyd stated that the next item for consideration was recommendations of the Neighborhood Improvement Committee for acceptance of low bids for housing rehabilitation applicants. Mayor pro tem Boyd stated that on the Council table is a revised bid tabulation sheet.

City Manager Maclin stated that staff is seeking approval of the three bids:

(1) Odessa Goodson	510 Hoskins	$22,841.50
(2) Pearline Ward	1003 Treadwell	$23,092.30
(3) Roxie Dixon	705 Wilson	$21,758.00

In response to question by Councilmember Weems, Mr. Mayfield stated that the amount reflected in the revised bid amounts is the 10% contingency that is figured in the bid. Mr. Mayfield stated that the information in the packet left out the 10% contingency.

Councilmember Gorden stated that he was concerned that only one bid was received. Mr. Mayfield stated that on the rehabilitation bids only one bid is received because there are not as many contractors doing rehab work as there are doing construction. Councilmember Gorden requested that staff monitor these bids closer.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Percy Simond, Jr. that recommendations of the Neighborhood Improvement Committee for acceptance of the following bids be approved as presented: Odessa Goodwin, 510 Hoskins, $22,841.50, Billy Brown Construction Co.; Pearline Ward, 1003 Treadwell, $23,092.30, Billy Brown Construction; and Roxie Dixon, 705 Wilson, $21,758.00, Bowlin Construction. A unanimous affirmative vote was recorded.

11. **AMENDMENT - APPROVED - CHAPTER 22 - CODE OF ORDINANCES - STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY**

Mayor pro tem Boyd stated that the next item for consideration was an Amendment to Chapter 22 (Streets, Sidewalks and Other Public Property) of the Code of Ordinances.

City Manager Maclin stated that included in the packet is a memo from the Assistant City Manager/Public Works and a memo from the Main Street Manager requesting Council's consideration to amend the City's Ordinance relating to sidewalk cafes. City Manager Maclin stated that this is predicated on a request from a business owner in the downtown area. City Manager Maclin stated that the Main Street Manager did some extensive research on this item, and the City Attorney has put the information in draft ordinance form.

Dawn Glover, Main Street Manager, stated that she became aware of a new type of business about two years ago, it is not just for big cities like Houston and Dallas, this new business is a coffee-house type restaurant. Ms. Glover stated that the restaurant will serve sodas, a variety of coffees, specialty lunch items and gourmet type desserts. Ms. Glover stated that there are 2,013 employees in the core downtown area, so there is a tremendous captive market particularly during the noon hour. Ms. Glover stated that the two restaurants downtown are packed at lunch and sometimes you have to wait a long time to be served.

Ms. Glover stated that the building is a stand alone building, and the only building of any significant size in a small block. Ms. Glover stated that the sidewalks are 17' wide, which makes it "tailor made" for a sidewalk cafe. Ms. Glover stated that the owners are aware that they must leave room for people passing through, and that area will be defined. Ms. Glover stated that two of the principals are present at tonight's meeting and they are Owen Wilson and Julie Payne. Ms. Glover stated that Mrs. Payne and her husband John are local residents. The Wilsons' and Paynes' are partners in this operation.

Mr. Owen stated that they are hoping to open a coffee house type restaurant and will serve light breakfasts and lunches, cappachino, coffee drinks, sodas and desserts. Mr. Owen stated that to his knowledge, this will be the first cafe of this type in the County. Mr. Owen stated that the major part of their theme is an outdoor European style cafe with some sidewalk tables, to be used mostly at night. Mr. Owen stated that the cafe will be a good meeting place for all ages. Mr. Owen stated that he had two requests tonight and one was to place plants and tables on the sidewalk, and secondly to move the garbage can down in front of the bus station. Mr. Owen stated that he would also like to request that the "No Parking" sign be moved onto the utility pole. Mr. Owen stated that on his part, he would insure to always leave a clear passage for any pedestrians across the sidewalk. Mr. Owen stated that the sidewalk tables would be used at night when there is no pedestrian traffic. Mr. Owen stated that the benefits of the cafe to Lufkin to aid in the beautification of the downtown area, and hopefully would create a critical mass of restaurant/entertainment type businesses that would bring people back into the downtown area, which is quite deserted at night. Mr. Owen stated that the sidewalk tables would provide a place for the smokers to go.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Chapter 22 (Streets, Sidewalks and Other Public Property) of the Code of Ordinances be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. <u>AUTHORIZATION - APPROVED - TANDEM AXLE DUMP TRUCK - STREET DEPARTMENT</u>

Mayor pro tem Boyd stated that the next item for consideration was authorization to purchase a tandem axle dump truck for the Street Department.

City Manager Maclin stated that in the Council's packet is a letter from the Asst. City Manager of Public Works relating to the Decision Package which was approved by the Council for the 1994-'95 budget.

Mr. Wesch stated that in the FY- 1994 -'95 fiscal budget preparation the Street Department put in a Decision Package in the amount of $35,000 for a single axle dump truck to pull the second patch machine that was also in the budget as a Decision Package. Mr. Wesch stated that after delivery of the new patch machine in November of 1994, it was determined that the Department could utilize one of their existing five yard single axle dump trucks in lieu of purchasing the new unit. Mr. Wesch stated that it was further determined that the purchase of a tandem axle fourteen yard dump truck would be more advantageous to the Street Department. Mr. Wesch stated that a tandem axle dump truck can haul three times the amount of material and operate at approximately the same cost. Mr. Wesch stated that as he explained in his letter, he did have some excess funds from the money that had been designated for bridge replacement under the State program.

Councilmember Jones stated that her concern all along has been finding the funds for the drainage program. Councilmember Jones stated that in a few minutes Council will be asked to prioritize the drainage projects, and she was finding it very difficult to say which ones might be the most important to do now, which ones should be left. Councilmember Jones stated that she would like for Council to take every opportunity possible to find the funds to address each one of the drainage projects that were identified after the Town Meeting. Councilmember Jones stated that this particular item seemed to her that the Street Department is accomplishing what they need to do right now, and she wondered if this would be a burden to carry this item over to next year's budget and to amend the budget and use these funds to apply towards the drainage project. Councilmember Jones stated that according to her calculations, there will be a shortage of approximately $78,000 to accomplish all the drainage projects. Councilmember Jones stated that this $70,000 would bring the funds closer to taking care of the drainage projects, which to her is a more urgent matter and something that needs to be addressed first, and the equipment purchase would be something that could wait for the future.

Mr. Wesch stated that $35,000 is already budgeted for the truck. Mr. Wesch stated that if this request is not authorized tonight there is no guarantee that he will get a tandem axle dump truck in next year's budget. Mr. Wesch stated that the dump truck would be put in a Decision Package and may or may not be approved.

Councilmember Simond stated that he could appreciate Mrs. Jones' concern about the drainage problems, however, there is a big problem with keeping the City streets patched. Councilmember Simond stated that he receives many complaints about pot holes in City streets. Councilmember Simond stated that in the scheme of things, street repairs might be as important as anything the City does.

In response to a question by Councilmember Simond, Mr. Wesch stated that a dump truck has to be used to pull the patch machine because the dump truck has to haul the rock that goes into the machine. Mr. Wesch stated that he found after the second patch machine was ordered putting it under a five yard single axle truck, seemed to work O.K. Mr. Wesch stated that there was no reason to buy another new single axle dump truck when he could possibly buy a tandem axle, and could haul three times the amount of material for street overlays.

City Manager Maclin stated that if the tandem axle is used in the street overlay program, the Street Department employees will be able to lay down more asphalt and do more overlays in less time because they will not have to wait on materials.

Councilmember Simond stated that he could almost guarantee to Mrs. Jones that the drainage problem would be taken care of. Councilmember Simond stated that it was reported that 104 people attended the Town Hall meeting, and when there are that many people complaining, something will have to be done.

Councilmember Simond stated that before it starts raining again, the pot holes in the streets need to be taken care of.

In response to a question by Councilmember Bowman, Mr. Wesch stated that the tandem axle truck will also be used to clean out ditches, creeks, etc., because they can haul more material. Mr. Wesch stated that the only use the City has for a single axle is on the patch machine, because a patch machine will not take a 14 yard dump. Mr. Wesch stated that he will not be able to do more paving or patching jobs because he was only authorized $900,000 for street repairs in this year's budget. City Manager Maclin stated that the efficiency of the Street Department will be improved by 35%.

Councilmember Gorden stated that he appreciates Mrs. Jones' concern about the drainage problems, but that he personally felt that the money for the drainage problems would be found. Councilmember Jones stated that she could appreciate the comments about the street patching projects, but she could not help but compare the inconvenience of pot holes in the streets to people who have had water in their houses. Councilmember Jones stated that, in her opinion, the drainage problems were major problems that require immediate attention and has to be a top priority. Councilmember Jones stated that she was prepared to make the motion that Council amend the budget to use the $70,000 for drainage, but she would wait and see what can be done with other monies to address the drainage issue.

Councilmember Bowman stated that Mrs. Jones makes a good point, and he would urge staff to find more contingency money for the drainage improvements. Councilmember Bowman stated that he has great sympathy for street repairs.

Motion was made by Councilmember Percy Simond, Jr. and seconded by Councilmember Tucker Weems to authorize the purchase of a tandem axle dump truck for the Street Department as requested. A unanimous affirmative vote was recorded.

13. **BID- APPROVED - SEWER PLANT IMPROVEMENTS - ALLCO, INC.**

Mayor pro tem Boyd stated that the next item for consideration was bids for sewer plant improvements.

City Manager Maclin stated that included in the Council packet is a letter from the Asst. City Manager of Public Works, a letter from Wayne Stolz, the City's engineer for this project, a bid tabulation, and a letter from Lambda Construction Company withdrawing their bid because of an error they had made on the bid. City Manager Maclin stated that under State law, it is legal for them to request that their bid be withdrawn.

City Manager Maclin stated that the staff recommendation is to award the bid of Allco, Inc. in the amount of $2,858,900 plus the acceptance of Alternate No. 1 in the amount of $24,900 for a total bid of $2,883,800.

In response to question by Councilmember Gorden, City Manager Maclin stated that before a recommendation is made by City staff to award a bid, reference checks are made on quality of work with other cities that those companies have provided with similar type work.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the bid of Allco, Inc. in the amount of $2,883,800 (to include Alternate No. 1) be approved as submitted. A unanimous affirmative vote was recorded.

14. **BID - APPROVED - RECYCLING CONTAINERS - RECYCLING DEPARTMENT - EAGLE AMERICAN WASTE**

Mayor pro tem Boyd stated that the next item for consideration was bids for recycling containers.

City Manager Maclin stated that the staff recommendation is to award the low bid of Eagle American Waste in the amount of $10,381.50 for the purchase of 20 eight cubic yard containers for the Recycling Department. City Manager Maclin stated that this item will be paid for from DETCOG through the Residential Waste Reduction and Recycling Grant.

In response to a question by Councilmember Gorden, City Manager Maclin stated that the containers will be used for multi-family dwellings. Mr. Wesch stated that there needs to be some serious expansion for this program. City Manager Maclin stated that these containers will be placed by request, and they will be on a first-come, first-serve basis.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Percy Simond, Jr. that the bid of Eagle American Waste in the amount of $10,381.50 for recycling containers be approved as submitted. A unanimous affirmative vote was recorded.

15. **PURCHASE - APPROVED - MULTI-STAGE BLOWER - WASTE WATER TREATMENT PLANT - W. D. GRAUE COMPANY**

Mayor pro tem Boyd stated that the next item for consideration was the purchase of a multi-stage blower for the Waste Water Treatment Plant.

City Manager Maclin stated that included in the Council packet is a memo regarding this item along with a letter from W. D. Graue Company, and the other bids that were tabulated last August. City Manager Maclin stated that last August, the City purchased one of these multi-stage blowers for the Waste Water Treatment Plant and there were funds from the 1994 budget available to purchase a second blower. City Manager Maclin stated that the Waste Water Treatment Plant superintendent wanted to confirm that this particular multi-stage blower would meet the needs of the facility and would work appropriately and do everything the manufacturer said it would do. City Manager Maclin stated that now that the superintendent has confirmed that the blower does work adequately, staff is requesting the purchase of a second blower at the same price which is available until the end of June.

In response to a question by Councilmember Bowman, Bobby Mott, Waste Water Treatment Plant Superintent, stated that this particular piece of equipment is a major piece of equipment in the secondary treatment process and it supplies air to the secondary treatment for biological processes to function. Mr. Mott stated that the unit this blower is replacing is 20 years old, one of the original pieces that was installed in 1975. Mr. Mott stated that this item is critical to the Plant expansion program they are about to embark on.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that bid of the W. D. Graue Company in the amount of $38,700 for a multi-stage blower be approved as submitted. A unanimous affirmative vote was recorded.

City Manager Maclin stated that before Council moves to the next item he would like to remind the public that this item and item #13 are items that are a combination of Federal unfunded mandates and expansion to increase the capacity of the City's Waste Water Treatment Plant.

16. **SUMMER DRAINAGE IMPROVEMENT PROJECTS - FUNDING**

Mayor pro tem Boyd stated that the next item for consideration was funding for summer drainage improvement projects.

City Manager Maclin stated that included in Council's packet is the same site specific drainage improvements projects that address the needs identified at the Town Hall drainage meeting with one exception. City Manager Maclin stated that there is roughly a $50,000 reduction in the sheet that was handed out at the Council Retreat on June 8 and the material that was presented in the packet. City Manager Maclin stated that the reason for the reduction is that the City has received some additional private support for one of the projects and by the utilization of that volunteer private support, staff is able to reduce the cost substantially for cleaning the area below Gobblers Knob Road. City Manager Maclin stated that instead of the $297,000 total presented at the Retreat, the total is now $247,777.20.

City Manager Maclin stated that Council discussed at the Retreat the need and urgency to accomplish as many of the drainage improvements as possible as quickly as possible. City Manager Maclin stated that he asked staff to bring ideas of how to fund the improvements out of this fiscal year. City Manager Maclin stated that what staff brings to Council at that point are those funds remaining in contingency. City Manager Maclin stated that the Council started the 1994-'95 budget with

$150,000 in the General Fund contingency, and $100,000 contingency in the Utility Fund. City Manager Maclin stated that as of today there is approximately $70,000 remaining in the General Fund Contingency and there is still the full $100,000 in the Utility Fund contingency. City Manager Maclin stated that the total of those two funds together, if Council chose to use them is $170,000, so there is roughly all but $80,000 of the total projects listed in the packet and what was discussed on June 8.

Councilmember Jones stated that one of the projects (600 Cunningham) that was on the list handed out at the Retreat was not on the list that was in the packet information for tonight's meeting. Mr. Wesch stated that the address had been inadvertendly left off. Councilmember Jones stated that the amount for this project was $6,929. City Manager Maclin stated that $7,000 could be added to the total making it $254,706.00. In response to a question by Councilmember Bowman whether staff had prioritized the projects, City Manager Maclin stated that Mr. Wesch had made a list based on the engineers input, and which projects will affect the most people. City Manager Maclin stated that as mentioned at the retreat, whatever is not funded in the $170,000 (if Council chooses to do that), would appear 30 days from now as Decision Packages for the 1995-'96 fiscal budget.

In response to question by Councilmember Jones, City Manager Maclin stated that work on the new projects could start after October 1. City Manager Maclin stated that the same crew that was hired for the $170,000 drainage improvements could continue to work on the projects. City Manager Maclin stated that to get the projects done with the $170,000 by September 30th will be an ambitious undertaking.

In response to a question by Councilmember Gorden, City Manager Maclin stated that once Thanksgiving has passed typically there are more problems with the ability to do drainage work because of the wet weather. City Manager Maclin stated that with that approach, and Council's direction, staff could just maintain the same momentum that we would garner on the first $170,000, and whatever is funded in the new budget, we could just pick right up and continue on in an attempt to get it all done before the fall rains. City Manager Maclin stated that there is no way to predict when the first rains will come but certainly those areas that would lend themselves to work or are more readily accessible after rain could be put off until later.

In response to a question by Councilmember Gorden, City Manager Maclin stated that Mr. Wesch assured him that he would be ready to go to work on this project July 1st.

Councilmember Jones stated that it is very important to the residents of Englewood that the City moves on this as quickly as possible. Councilmember Jones stated that she is a little disappointed that the Council and staff could not find the money for every one of these projects right now and leave this meeting with the assurance that all the costs have been covered.

City Manager Maclin stated that short of cancelling projects that Council has already funded in the 1995-'95 budget, if the $170,000 is spend it will mean that every penny of contingency is spent that the Council started with on October 1, 1994. City Manager Maclin stated that in terms of staff response, to have identified and done research and engineering on all projects of even a miniscule nature, not withstanding the Master Drainage Plan, to be included as a Decision Package next month, to have gotten engineering firms to clear their desks of other projects so they could work on Englewood, Azalea Street, and other locations, in his opinion, staff has shown its commitment and initiative to produce results in a very short amount of time. City Manager Maclin stated that the Town Hall meeting was just held in April, so he could say in good conscious that staff has cleared their desks of all other projects and worked on drainage and only drainage for many days. City Manager Maclin stated that staff has had numerous meetings with engineering firms, both Goodwin-Lasiter and EGA on these various projects, trying to address them in as short of time as humanly possible. City Manager Maclin stated that, in his opinion, to date it would be very justifiable for Council to say that the City has addressed this project aggressively and as quickly as humanly possible.

City Manager Maclin stated that how quick the City is able to accomplish the $170,000 projects or the $247,000 has a lot of variables dealing with weather and other factors. City Manager Maclin stated that staff has tried to approach this by hiring contractural labor and equipment as well as an additional labor force and additional City forces to do the projects as quickly as possible.

Councilmember Gorden stated that he appreciated the job that has been done to identify these things and he was sure that a lot more time and effort has gone into the process than anyone realizes.

City Manager Maclin stated that staff does not want to make any mistakes, and there has been a very concerted effort to make sure that whatever staff did would be in the City's best interest by identifying what the solutions to these problems would be by doing the hydraulics, hydrological studies, to compare what the square mileage of watershed and how many cubic feet per second, etc. City Manager Maclin stated that within the time restraints for this phase of the project, the staff has done about as thorough a job as they can. The second phase of this, as discussed at the Retreat, would be the Master Drainage Plan, that would impact progressively Cedar Creek, Hurricane Creek and the Mill Creek drainage area. City Manager Maclin stated that from that plan there will be recommendations that will impact the Subdivision Development Ordinance in the near future.

In response to a question by Councilmember Gorden, Mr. Wesch stated that it is his understanding that the contract for the work on Gobblers Knob Road has been let, but as of last Friday no work had been done. Mr. Wesch stated that this work could be accomplished in 45 days once they get underway. Councilmember Gorden requested that staff continue to monitor this project. Mr. Wesch stated that the City will clean out the channel below Gobblers Knob.

In response to a question by Councilmember Gorden, Mr. Wesch stated that the two lowest points in the Englewood Subdivision will be the projects he will address first. Mr. Wesch stated that all the recommendations for upsizing culverts, etc. are based on engineering studies.

Councilmember Jones requested that Pat Oates of Goodwin-Lasiter give his opinion as to the two projects identified for the Englewood Subdivision and if he agrees with those as a priority and if that will start to alleivate the most severe problems. Mr. Oates stated that his firm did the study for the Englewood Subdivision and the two projects that Mr. Wesch discussed happened to be the two lowest points prior to getting to Denman Avenue in that particular water shed, and he concurred with Mr. Wesch on that. Mr. Oates stated that these two low points are good places to start because that is where the drainage is collecting at, and by opening up these two places it will allow the stormwater to get out of the Subdivision a lot quicker.

Councilmember Gorden stated that he would like to try and solicit Council to try and do the rest of the projects to include the Drainage Study. City Manager Maclin stated that the study will include the entire water shed; this is a short range, quick fix.

Councilmember Bowman stated that this is a very aggressive program and sends a strong message to the community.

City Manager Maclin stated that he has personally looked at drainage ordinances from a host of other cities and found one on the Internet from Phoenix that he would start with to use as a draft.

In response to a question by Councilmember Weems, City Manager Maclin stated that he has not contacted the Temple Foundation specifically on this but has had visits with representatives of the TLL Temple Foundation and the response on similar type projects he perceived to be that this was the responsibility of the City. City Manager Maclin stated that their history of contributions to his knowledge, did not include drainage projects. City Manager Maclin stated that if Council wished him to revisit the Foundation he would. Councilmember Weems requested that City Manager Maclin do so.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Percy Simond, Jr. to approve the staff recommendation for the summer drainage improvement projects as submitted. A unanimous affirmative vote was recorded.

17. **PRESENTATION - CITIZENS SURVEY - DR. RONALD CLAUNCH**

Mayor pro tem Boyd stated that the next item for consideration was a presentation of the citizens survey by Dr. Ronald Claunch and Dr. Richard Herzog of SFA University.

City Manager Maclin stated that Dr. Claunch and Dr. Herzog of Stephen F. Austin University were present at tonight's meeting to make the presentation. City Manager Maclin stated that last spring the City Council authorized a survey to be conducted to gain citizen input into the quality of service and type of service, and what the citizens opinion of the City was. City Manager Maclin stated that the survey was conducted in March. City Manager Maclin stated that Dr. Herzog and Dr. Claunch will continue to be providing additional analysis of the data and will continue to complete the documentation of some personal interviews that they have conducted
with citizens that will give staff a little more depth and insight.

Dr. Herzog handed out copies of the survey to Councilmembers.

Dr. Herzog stated that he and Dr. Claunch would like to express their thanks to the Lufkin City Council for approving the 1995 Citizen Survey to be conducted here in Lufkin. Dr. Herzog stated that he also wanted to thank the citizens of Lufkin for participating in the survey.

Dr. Herzog stated that he had handled out two documents which were the results of 500 telephone interviews with a cross section of citizens in Lufkin. Dr. Herzog stated that, in his opinion, the citizens of Lufkin cooperated extremely well, with a 75% response rate. Dr. Herzog stated that this survey represents the community perspective of City services and City personnel, and the citizens perspective was overwhelmingly positive. Dr. Herzog stated that 12 City services were selected for the survey and they found that citizens were very satisfied or satisfied at a rate of 70% all the way up to 98%. Dr. Herzog stated that the interviewers were chosen from the University and they used City facilities to conduct the phone calls. Dr. Herzog stated that he is confident that the information in the two reports is as accurate as they could possibly make it. Dr. Herzog stated that the citizens were asked if the City was using an adequate or inadequate time on ten selected City services and 70% to 90% responded in the affirmative. Dr. Herzog stated that citizens were asked about six issues of concern to the City and over 75% of the respondents were in support of those issues that were of concern to the City. Dr. Herzog stated that in his preliminary investigation as to how the City of Lufkin matches up to others cities that have had a similar survey, he would say that Lufkin would be well above the national average in citizen satisfaction on these services.

Dr. Claunch stated that he realized that a great deal of information had been placed in the hands of the Councilmembers with these two documents. Dr. Claunch stated that each of the interviews lasted an average of 15 minutes. Dr. Claunch stated that 15 minutes, times 500 interviews means that they gained 125 hours of testimony from citizens. Dr. Claunch stated that he understands that when the City hears from citizens it is because they are wanting you to do something for them and they are likely to be dissatisfied or displeased. Dr. Claunch stated that a survey of this kind gives citizens an opportunity to speak anonimously in reference to their name, and when citizens have this opportunity they usually speak their mind. Dr. Claunch stated that the fact that they have spoken so positively of the City speaks very well of the City.

Dr. Claunch stated that one of the questions that was asked the citizens is if they had contact with a number of different public officials and those who did have contact were asked to rate them "Excellent", "Good", "Fair", and "Poor" with respect to their promptness, their competence, and their courtesy. Dr. Claunch stated that they discovered that for those who had contact with Lufkin City officials, over 80% of the time, they rated that official as being "Excellent" or "Good".

Dr. Claunch stated that they also asked citizens what they liked best about Lufkin and the most frequent response was the various attributes of living in a small town; the ease of getting around, the neighborliness, the fact that it is a quiet, peaceful community, and that it was a good place to raise a family. Dr. Claunch stated that they also asked what was the single most important thing they would do to improve the City of Lufkin. Dr. Claunch stated that there were three answers they gave that were of equal importance and they were: To improve economic development; to provide more cultural, social, recreational activities; and to have better crime control.

Dr. Claunch stated that he and Dr. Herzog felt very good overall about the survey and the City Council should feel very good about how the citizens filled out this report on their activities.

Dr. Claunch stated that in many respects this is a very representative survey. They looked at the traits and characteristics of those that did the survey and compared that to the 1990 census (page 3 of the smaller booklet). Dr. Claunch stated that they had also made an additional calculation since the booklet was printed and according to the 1990 census 69.5% of the persons 18 years and older are white. In the survey they conducted the comparable figure was 75.1%, so in terms of racial characteristics they feel they did a fairly adequate job in matching the racial compositions of the community with what was reported in the 1990 census.

Dr. Claunch stated that if any of the Councilmembers would like to visit with him or Dr. Herzog over the weeks ahead, they would be delighted to have that opportunity.

City Manager Maclin stated that Dr. Claunch and Dr. Herzog met with the City Department Heads yesterday and made a presentation with a little more detail. City Manager Maclin stated that the City staff will utilize this document and the further analysis that is provided by Dr. Claunch and Dr. Herzog to accenuate needs in terms of perceptions of the public including the budget process next month. City Manager Maclin stated that innovative Department Heads will use this information as justification for some of their requests next month, whether that is drainage, streets or code enforcement.

Mayor pro tem Boyd stated that this was excellent material and complimented Dr. Claunch and Dr. Herzog on the good job they did.

City Manager Maclin thanked Dr. Claunch and Dr. Herzog for their presentation.

18. **COMMENTS**

In response to a question by Councilmember Simond, City Manager Maclin stated that the Lufkin Daily News had a front page article regarding the house burning that had been reported in the newspaper earlier in the week. City Manager Maclin stated that, in his opinion, Fire Chief Prewitt had adequately answered all the questions that had been raised in the previous newspaper article.

City Manager Maclin stated that the next Council meeting would be held on Wednesday, July 5th, since Tuesday would fall on the 4th of July. City Manager Maclin reminded Councilmembers of the 4th of July fireworks display to be held at Ellen Trout Park.

City Manager Maclin stated that Governor George Bush will be the speaker at a Special First Friday luncheon this Friday, June 23rd.

Mayor pro tem Boyd stated that the DETCOG meeting this month will be in Nacogdoches.

In response to a question by Mayor pro tem Boyd, City Manager Maclin stated that he had received a telephone call from Sue Grable of Southern Pacific Railroad informing him that the easement for right-of-way along Feagin Drive was lacking one signature and as soon as that signature was secured the document would be forwarded to the City.

In response to a question by Councilmember Bowman, City Manager Maclin stated that American Colloid is researching the site on Industrial Blvd. in addition to other sites. City Manager Maclin stated that they made some inquiries last week regarding rail contractor cost estimates. City Manager Maclin stated that staff had provided them with the name of three contractors who do rail work including Angelina Neches River Railroad. City Manager Maclin stated that he anticipates that they will make a decision by July 4th.

19. There being no further business for consideration, meeting adjourned at 7:40 p.m.

Don E. Boyd

Don E. Boyd - Mayor pro tem

ATTEST:

Atha Stokes

Atha Stokes - City Secretary