

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
1ST OF OCTOBER 2002**

On the 1st day of October 2002 the City Council of the City of Lufkin, Texas, convened in a Regular Meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Lynn Torres	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Rose Faine Boyd	Councilmember, Ward No. 2
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Jeff Robinson, Pastor, Southside Baptist Church.
2. Mayor welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of September 17, 2002 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

4. PRESENTATION OF TAX INCREMENT FINANCING PLAN

Mayor Bronaugh stated that a presentation of the Tax Increment Financing Plan to the City, Angelina County and Angelina College would now be presented.

City Manager Maclin stated that the first part of the process tonight involves a formal presentation to explain what a Tax Increment Financing District is, how it works and what the city would propose to do if a TIF District were approved. Mr. Maclin stated that this presentation also serves as a presentation to the Angelina County Commissioners Court and the Angelina College Board of Directors. Mr. Maclin recognized County Judge Joe Berry and Dr. Larry Phillips of Angelina College.

Assistant City Manager James Hager stated that this is primarily a presentation to the County Commissioners and to the Angelina College Board regarding the TIF that the City Council has been apprised of.

Mr. Hager stated that the District being looked at is approximately 336 acres and is south of Loop 287, west of U. W. Highway 59, north of Angelina College and east of FM 819. Mr. Hager stated that additionally there is a small amount of land that is east of US 59 at its intersection with Whitehouse Drive. Mr. Hager showed a graphic that is being proposed tonight to the City Council and to the various Boards and Commissions, pointing out US 59, Loop 287, Whitehouse Drive and Daniel McCall.

Mr. Hager stated that the public improvements of the District include the construction of two streets – and the first street is a north/south street from Daniel McCall to Loop 287.

Mr. Hager stated that the estimated time for this construction if the District were approved and adopted would occur in 2003 at an estimated cost of \$782,645. Mr. Hager showed a graphic of the layout.

Mr. Hager stated that the second street is an east/west street and there would be two phases of construction with the first phase being at the rear of Wal-Mart to FM 819. The estimated time frame for this construction would be 2004 with an estimated cost of \$1,578,078. Phase II would be from US 59 to Phase I with an estimated time frame of 2005, and an estimated cost of \$1,124,782. Mr. Hager showed a graphic of Phases I and II. Mr. Hager stated that this public improvement that the City would recommend would help this area but also a much broader area within the south part of town. Mr. Hager stated that the City has been trying to be proactive with its Capital Improvements planning and they see this as a positive traffic pattern for people. Mr. Hager stated that this street was on the City of Lufkin's thoroughfare plan in 1987, so Council and staff are aware that this is something that has been needed as more traffic drives in this area. Mr. Hager stated that this would be a good artery to take some of the traffic from US 59.

Mr. Hager stated that the financing analysis that staff has looked at to make this project work is called a Tax Increment District wherein you take current values and freeze them at the then current level based upon the criteria of the law and then any increased values that occur in that District, the revenue from those are set aside into a separate fund which would retire the debt that you would use to finance the project for the public improvements you are going to build. Mr. Hager stated that staff has visited with the Tax Appraisal District and know that in the City's fiscal year 2004 or next year's taxes will include the values for the new Wal-Mart store, which is roughly estimated at \$16 million. Mr. Hager stated that Wal-Mart has not been appraised by the Appraisal District yet but that is an estimate that was provided to the City. Mr. Hager stated that staff is also aware that Cavender's Boot City is completing construction of their facility and Wendy's is completing its construction as well. Mr. Hager stated that the first year of values based on staff's estimate is \$18 million. Mr. Hager stated that the next two years staff is told by developers that approximately \$2 million per year would be added in the area primarily around the Wal-Mart location as new values. Mr. Hager stated that these figures do not necessarily address any increase in land values that will occur or any re-appraisal that will occur. This is strictly real property values; no personal property value would be included in the TIF.

Mr. Hager stated that in 2008-2009 it is estimated that \$10 million per year for those two years would be added. Mr. Hager stated that the accumulative value then of the increased values in that District would be a total of \$44 million. Mr. Hager stated that this would be the value from which revenues would be received to retire the debt that would pay for the projects that he just went over.

Mr. Hager stated that another process that is required in forming a Tax Increment District is to get a confirmation from each of the taxing entities in the District as to whether they would participate or not. Mr. Hager stated that the City Manager has visited with the County and the College District and has received an acknowledgement of the fact that they would participate at 100% in this project. Mr. Hager stated that based on the current tax rates and the tax rate for the City at \$0.558500, which includes the two cent increase that would go into effect next year for the City's bond program that was passed in May, which would be the last phase of that tax increase will bring the total rate for the District to \$1.035946. Mr. Hager stated that calculating the anticipated revenue based upon the assessed values, the first year we would anticipate \$186,000 in tax revenue; the next year \$207,000; \$227,000 in the year 2006; 2007 and 2008 would be approximately \$350,000 each, and then based upon the estimates they have used, the top value in that District would yield \$455,816 a year in ad valorem tax revenues based upon the entities that are participating. Mr. Hager stated that the project cost of the two streets that is proposed is \$2,685,505 with issue cost of \$75,000. Mr. Hager stated that staff based their analysis on a 20-year retirement at a 5% interest rate. Mr. Hager stated that staff is talking to the State regarding a State Infrastructure Bank which loans money to cities at a reduced interest cost (about 1.5% less than what our bond rating would yield on the open bond market). Mr. Hager stated that the City's latest bond issue was about 4.88% interest. Mr. Hager stated that if the City was able to sell the TIF debt to the State Infrastructure Bank, then the principal and interest

scheduled that he was reflecting here would be somewhat lower. Mr. Hager stated that the average debt service in this time frame is about \$230,000. Mr. Hager stated that he has attempted to structure the debt so that the City pays less principal in the early years to give us time to increase the values in the District so that it is easier to accumulate the funds and pay the debt early. Mr. Hager stated that this is something that the City of Lufkin's financial advisor would review and restructure based upon his expertise and knowledge. Mr. Hager stated that when the District receives the funds they would issue the debt and establish a capitol project fund with the proceeds of the bonds would be booked. Mr. Hager stated that we would spend money on the project out of this fund so that when the projects are completed in theory we would have zero dollars.

Mr. Hager stated that any residual money we would have left over would obviously be put in a second fund we would establish and that is the Debt Service Fund. Mr. Hager stated that the revenue fund starts out in 2004 at \$186.5; in 2005 it would yield \$207.2, etc. Mr. Hager stated that we would also earn interest on this. Mr. Hager stated that the City invests its money in Government Securities, so they are quite safe. Mr. Hager stated that staff is estimating approximately 2% rate of return on our investment since that is currently what the City is experiencing from these revenues we would make the debt payment. Mr. Hager stated that the first year we would earn some revenue but would not actually make a payment; it would occur in 2004. Mr. Hager stated that the next year, the first year of tax collections, also the first year of debt payment, the City would collect revenue, earn the interest, pay the debt and would have a balance of approximately \$11,900. The process continues on until we reach the years 2014 and 2015 when the accumulated balance in this fund becomes equal to or greater than the outstanding debt that needs to be repaid. Mr. Hager stated that at that point, the City would actually have a call option on the bonds – it would be called and the bonds would be retired thus saving any future interest out through the 20-year period.

Mr. Hager stated that one question that does come to mind is if all this value does not get realized, what would it take to retire the debt over a 20-year period. He stated that basically it would take about \$24 million in assessed value to be able to retire the debt over a 20-year period. Mr. Hager stated that staff feels pretty certain that they've made a conservative estimate of cash flows and believe that the values may be there.

City Manager Maclin stated that on the Council table is an 11x17 map prepared in 1987 as part of the Comprehensive Plan approved by the Planning and Zoning Commission and the City Council. Mr. Maclin stated that it shows the western connection between Whitehouse from US 59 over to what is now known as FM819. Mr. Maclin stated that this is neither a new project nor a new idea but is part of the City's long-range plan back in 1987. Mr. Maclin stated that 4 ½ years ago the City Council discussed the need for a new street at this location and the potential for stimulating development at a Council retreat. Mr. Maclin stated that the need was identified to connect to FM819 to open up the area for growth. Mr. Maclin stated that TxDOT supports the street as an alternative for relief to US 59 improvements. Mr. Maclin stated that it is anticipated that around 2006 the funds will be released for TxDOT to do a major renovation to US 59 to make it a closed access freeway. Mr. Maclin stated that during that construction period it would be very important that we have alternative routes to handle the traffic as well as provide a new system for local traffic to avoid the US 59 traffic. Mr. Maclin stated that an issue that citizens complain about to staff is the truck traffic on U S 59.

Mr. Maclin stated that the benefits of the TIF are that it provides a financing vehicle for needed infrastructure improvements; it does not increase the property tax rate; and, the District property owners are taxed as without the District. Mr. Maclin stated that there is no Tax Abatement, no rebate, and no discount. Mr. Maclin stated that if you own property in the District you would pay the same taxes with or without the TIF.

Mr. Maclin stated that further benefits are that it provides traffic circulation for the area, it improves safety for local traffic, it encourages immediate development and sales tax increases for County and City budgets and it provides relief outlets for Angelina College traffic.

Mr. Maclin stated that TxDOT is so supportive of this east/west corridor connection and the connection of Whitehouse that they have pledged to support the construction costs

with \$800,00 of discretionary funds if the project is completed before 2006. Mr. Maclin stated that it is the improved values of the TIF that pay for the amortization of improvements instead of additional taxes.

Mr. Maclin stated that if we miss the opportunity to capture the value of the existing development, the project loses feasibility. Mr. Maclin stated that there are no other options for financing without a tax increase. Mr. Maclin stated that most of the property owners now are willing to donate the right-of-way for the project. Mr. Maclin stated that if we wait too much longer he suspects that the city would have to purchase the right-of-way and obviously increase the cost of the project.

Mike Byrd, the City's financial consultant gave a brief overview of the TIF District. In response to question by Asst. City Attorney Tommy Deaton, Mr. Byrd stated that the City's present bond portfolio is 100% protected.

5. PUBLIC HEARING – TAX INCREMENT FINANCING PLAN

Mayor Bronaugh opened Public Hearing for the Tax Increment Financing Plan.

Mr. Bob Inselmann stated that he was present at tonight's meeting as a taxpayer. He stated that the presentation by the City was excellent but it didn't tell the whole story in his opinion. Mr. Inselmann read the Attorney General's opinion on areas designated as a TIF. Mr. Inselmann stated that it would be a terrible financial decision for this City to establish this TIF.

Others speaking in opposition to the TIF were:

- Don Langston
- Wayne Corley
- Buddy Zeagler
- R. A. Brookshire
- Mac Coward
- Christopher Peterson

Mayor Bronaugh closed Public Hearing.

(The tape recorder was not working during this meeting. However, a video was made of the meeting and can be accessed on the City's web page for the full discussion in the Public Hearing.)

6. ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – LARGE SINGLE FAMILY DWELLING TO NEIGHBORHOOD RETAIL ZONING DISTRICT – LEWIS HOLLOWAY SURVEY – 2306 LUFKIN AVENUE – VANCE OLGLESBEE – AMENDMENT TO COMPREHENSIVE PLAN FUTURE LAND USE MAP

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Large Single Family Dwelling" to a "Neighborhood Retail" zoning district on approximately 0.356 acres of land described as Tract 61 of the Lewis Holloway Survey (Abstract No. 310) and more commonly known as 2306 Lufkin Avenue as requested by Vance Olglesbee.

City Manager Maclin stated that this is a routine Second Reading of the Ordinance.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "Large Single Family Dwelling" to a "Neighborhood Retail" zoning district on approximately 0.356 acres of land described as Tract 1 of the Lewis Holloway Survey (Abstract No. 310) and more commonly known as 2306 Lufkin Avenue requested by Vance Olglesbee be approved on Second and Final Reading and the Amendment to the Comprehensive Plan Future Land Use Map as shown on Attachment #5 be approved as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE – APPROVED – SECOND READING – AMENDMENT TO TEMPORARY MOBILE HOME PERMITS

Mayor pro tem Torres stated that the next item for consideration was an Ordinance amending the fees for Temporary Mobile Home Permits.

City Manager Maclin stated that this is a routine Second Reading of the Ordinance.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Rose Faine Boyd that Second and Final Reading of an Ordinance to amend the Temporary Mobile Home Permits be approved as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE – APPROVED – FIRST READING – ZONE CHANGE – APARTMENT, LOCAL BUSINESS AND COMMERCIAL TO RESTRICTIVE PROFESSIONAL OFFICE ZONING DISTRICT – 209 AND 315 GASLIGHT BOULEVARD – MICHEAL PARKER – GASLIGHT PROPERTIES, LTD.

Mayor Bronaugh stated that the next item for consideration was a request by Michael Parker on behalf of Gaslight Properties, LTD. To change the zoning from “Apartment, Local Business and Commercial” to “Restrictive Professional Office” zoning district on approximately 14.747 acres of land located between 209 and 315 Gaslight Boulevard.

Mayor Bronaugh stated that he would recuse himself from discussion of this item since he owned property in close proximity to the proposed zone change, and requested that Mayor pro tem Torres preside over this request.

Mayor pro tem Torres asked City Manager Maclin for staff’s recommendation. Mr. Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends the Future Land Use Plan be amended as shown on Attachment #5 and the request to change the zoning to a “Restrictive Professional Office” zoning classification be approved.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from “Apartment, Local Business and Commercial” to a “Restrictive Professional Office” zoning district on approximately 14.747 acres of land located between 209 and 315 Gaslight Boulevard as requested by Michael Parker on behalf of Gaslight Properties, LTD be approved on First Reading as presented.

Motion carried with six affirmative votes.

9. ORDINANCE – APPROVED – FIRST READING – TAX INCREMENT FINANCING DISTRICT

Mayor pro tem Torres stated that the next item for consideration was approval of an Ordinance designating a Tax Increment Financing District.

City Manager Maclin stated that there were a few comments in the Public Hearing that needed to be clarified and the first one is that Mr. Inselmann indicated that there was a legal issue with the TIF. Mr. Maclin stated that he had done his homework on the TIF and when he saw the term “blighted condition” he likewise had some concerns. Mr. Maclin stated that staff had deferred to the City’s legal counsel for legal issues, which is Ed Esquivel of Fulbright and Jaworski, who has been providing financial legal assistance to the City for years. Mr. Maclin stated that he discussed the TIF with Mr. Esquivel at length. Mr. Maclin stated that his opinion after having been a part of the issuance of some TIF’s, he felt like the City met the intent of the rules in terms of the development of the area because a substantial part of the area is in a floodway or flood plain, and is undevelopable without some assistance from the City. Mr. Maclin stated that the City relies heavily on Mr. Esquivel who does this for a living and did question him thoroughly allowing him a couple of weeks to review all of the information and he came back with an affirmative. Mr. Maclin stated that based on the practice of the State in terms of the interpretation of the law that the City’s proposed TIF would be legal and would meet the requirements and the practice of the State of Texas.

Mr. Maclin stated that there was a question by Mr. Corley regarding the selection of the streets in the 2000 bond election. Mr. Maclin stated that the streets for the bond election were selected by a committee appointed by the Council.

Mr. Maclin stated that Mr. Zeagler had a couple of questions regarding what if additional values fall short. Mr. Maclin stated that the advantage of a TIF is that the Council can amend the plan. Mr. Maclin stated that the law requires the City to come up with a plan based on the best information available at the time. Mr. Maclin stated that the City is not locked into that nor are they bound to that as a guarantee. Mr. Maclin stated that one of the issues in terms of the total cost is that a portion of this street is four lane, curb and gutter, concrete and this could be changed back to a two lane asphalt street, and cut the cost substantially, whereby we get it back down with the values created from the existing growth that will be added on the tax roll in 2003.

Mr. Maclin stated that in regard to excess revenues, it is the desire of the City and their optimism that instead of having to go the full 20 years that the District will pay off based on growth within 12 to 14 years at which time the District would be terminated.

Mr. Maclin stated that the comment was made that Mr. Hager said that the College and the County had approved the TIF and he did not say that. Mr. Maclin stated that Mr. Hager had said they had acknowledged the TIF. Mr. Maclin stated that staff has made a presentation to the College Board in August and received from them an affirmative consideration which meant that they would affirm to an agenda to vote on it as a Board. Mr. Maclin stated that he had personally visited with all five of the members of the Commissioners Court and explained it to them and the project in detail. Mr. Maclin stated that five out of five of the Commissioners felt good about the potential for increased sales tax because the ½% sales tax that they collect would help augment the County's budget. Mr. Maclin stated that the TIF is scheduled to be placed on their agenda this month also.

In response to a comment made by Mr. Peterson, Mr. Maclin stated that the election that was held in 2000 was on the general election day for the City, which is the first Saturday in May as prescribed by the City's Charter.

Mr. Inselmann stated that he would like to get the written report by the Fulbright and Jaworski lawyer. Mr. Inselmann stated that it looks like the lawyer for the bonding company and the Fulbright and Jaworski lawyer for the TIF were the same and that did not "smell good" to him.

In response to question by Mr. Inselmann, Mr. Deaton stated that the Attorney General has to approve a TIF from the inception to the completion, and that the City was not going to do anything illegal. Mr. Deaton stated that he took offense to the insinuation by Mr. Inselmann that the City would do anything illegal.

Councilmember Torres asked if the County and the College decided not to go forward with the TIF what would be the status of the City. Mr. Maclin stated that the City would have to reduce the price of the project to make it more feasible to fit within the financing capability of the City.

Mr. Inselmann stated that he would like for the Attorney General to give an opinion before we proceed any further with the TIF.

Don Langston stated that he wanted to apologize to Mr. Hager for thinking he said that the other two entities had already approved the TIF. Mr. Langston stated that his biggest single concern is the crystal ball that is being used when we talk about 3 ½% possible interest rates that we have today when the Feds are talking about increased interest rates next year. Mr. Langston stated that the only industry he has to go on is the construction industry and he would like to say based on a very conservative number that to make these numbers work (the \$44 million in development) you would have to build 520,000 SF of space, which is Lufkin Mall size.

Councilmember Gorden stated that he appreciated everyone's comments and appreciated everyone being present. Councilmember Gorden stated that probably one-

half the sales tax collected in Lufkin comes from people who live outside of Lufkin. Councilmember Gorden stated that the work that is being done on regionalism is one of a lot of good things going on around the City. Councilmember Gorden stated that he feels like this puts the City a bit beyond where it should be from the standpoint of any kind of risk. Councilmember Gorden stated that he would be foolish to say that there's no risk in this and personally would like to see it minimized. Councilmember Gorden asked if there is any other funding besides TxDOT involved in the TIF. Mr. Maclin answered, "no". Councilmember Gorden stated that someone made the comment about being fair, and in his opinion, fair is all in the eye of the beholder. more fair to the Councilmember Gorden stated that he didn't feel that the City was rushing into this since a large segment of the public knew it was being discussed.

City Manager Maclin stated that staff could address Councilmember Gorden's request by scaling down the project and cutting the price of the total project to get it down within estimates.

Councilmember Gorden stated that he had heard both Mr. Maclin and Mr. Hager say that the City could back out at anytime. Councilmember Gorden stated that in his opinion the City should not go it alone if the County and the College do not participate.

Mr. Hager stated that the law firm of Fulbright and Jaworski would take any liability if a problem arose with the TIF. Mr. Hager stated that the City Council is adopting an Ordinance tonight and is not adopting a financing plan. Mr. Hager stated that this is not about the financing plan until such time as the County and the College have their meeting and make their decision and a TIF Board is appointed by the Council. Mr. Hager stated then the Board develops a financing plan in a program that they bring to Council for its final decision.

Councilmember Bowman stated that he appreciated all the people who are attending tonight's meeting. Councilmember Bowman stated that there has been inference that this is a C. G. Maclin project and some are blaming him for that, and that is not accurate. Councilmember Bowman stated that the City Council has the right to correct traffic problems and the Council as part of its responsibility asked Mr. Maclin to look at all alternatives in that area. Councilmember Bowman stated that he shared Mr. Gorden's concerns about projections of the existing plan. Councilmember Bowman stated that he was not ready to vote tonight but would like to table this and look at other alternatives.

Councilmember Robertson stated that he appreciated everyone coming out tonight. Councilmember Robertson stated that he was concerned about this being assigned to a certain area and if it would take funds that the City could use in other projects around the City. Councilmember Robertson stated that being an environmentalist, he didn't think the City should be developing in the flood plains as much as they have in the past.

Keith Wright stated that one of the number one duties of his job is to protect the public health and safety and also to help the City develop its infrastructure and look at potential problems that may occur. Mr. Wright stated that the reason that TxDOT is right now doing the improvements on US 59 is because of the volume of traffic. Mr. Wright stated that he didn't know anything about the economics or politics of this, but as an engineer he did know about the traffic and he was concerned about how the City was going to provide for and meet these needs. Mr. Wright stated that to add to all this traffic is the 59 improvements and his concern is how can he improve safety and mobility for the citizens of Lufkin. Mr. Wright stated that this is not about Wal-Mart but is about all of the proposed construction and he has an obligation to provide a safe route for the citizens of Lufkin.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Lynn Torres that the Ordinance designating a Tax Increment District be approved on First Reading, and to start the process and make it contingent that it will work financially within the initial evaluations.

The following vote was recorded:

Aye – Councilmembers Gorden, Torres, Boyd, Kuykendall and Mayor Bronaugh

Nay – Councilmembers Bowman and Robertson

Motion carried with a 5 to 2 vote.

10. ORDINANCE – APPROVED – FIRST READING – ADOPTION OF RULES AND REGULATIONS - MAINTENANCE AND OPERATION – CITY SEWER SYSTEM

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance adopting rules and regulations for the maintenance and operation of the City of Lufkin sewer system.

City Manager Maclin stated that State law requires that the City develop and implement these rules and regulations for sewer system maintenance and operation. Mr. Maclin stated that this proposed Ordinance was written by the City Engineer to provide for appropriate state compliance by the City.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Rose Faine Boyd that Ordinance adopting rules and regulations for the maintenance and operation of the City of Lufkin sewer system be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. ORDINANCE – APPROVED – AMENDMENT TO THE 1997 STANDARD FIRE PREVENTION CODE – UNATTENDED SELF-SERVICE STATIONS

Mayor Bronaugh stated that the next item for consideration was an Ordinance amending the 1997 Standard Fire Prevention Code regarding unattended self-service stations.

City Manager Maclin stated that included in the Council packet is a proposed Ordinance revision to meet national fire codes regarding the safety and regulation of unattended gasoline service stations. Mr. Maclin stated that staff has met and discussed this issue with area gasoline wholesalers and retailers and they have pledged their support. Mr. Maclin stated that staff recommendation is that this Ordinance be made effective January 1, 2003 to allow adequate time for the vendors to make improvements to their facilities to meet these new safety requirements.

City Manager Maclin stated that Rick Freeman was present for questions from Council.

Tom Selman, General Manager of Polk Oil Company, and Carl Ray Polk were present in support of this Ordinance revision.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance amending the 1997 Standard Fire Prevention Code regarding unattended self-service stations be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION – APPROVED – SOLID WASTE ENFORCEMENT GRANT

Mayor Bronaugh stated that the next item for consideration was a Resolution for a Solid Waste Enforcement Grant.

City Manager Maclin stated that included in the Council packet is a Resolution to receive grant funds through DETCOG for dumpsters to implement related solid waste programs.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Resolution for a Solid Waste Enforcement Grant be approved as presented. A unanimous affirmative vote was recorded.

13. BID – APPROVED – SEWER EXTENTION – THE SETTLEMENT – OSCAR CRAWFORD

Mayor Bronaugh stated that the next item for consideration was award of bid for The Settlement sewer extension.

City Manager Maclin stated that included in the Council packet is the bid tabulation for this bid item. Mr. Maclin stated that staff recommendation is to award the low bid of Oscar Crawford Construction in the amount of \$484,841.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Dennis Robertson that the bid of Oscar Crawford in the amount of \$484,841 for sewer extension at The Settlement be approved as submitted. A unanimous affirmative vote was recorded.

14. **BID – APPROVED – ANGELINA STREET RECONSTRUCTION – AJAX EQUIPMENT COMPANY**

Mayor Bronaugh stated that the next item for consideration was award of bid for the Angelina Street reconstruction.

City Manager Maclin stated that included in the Council packet is the bid tabulation for this project. Mr. Maclin stated that staff recommendation is to award the low bid of Ajax Equipment Company in the amount of \$1,406,314.10.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that the bid of Ajax Equipment Company in the amount of \$1,406,314.10 for the Angelina Street reconstruction be approved as submitted contingent upon review of the statement of qualifications. A unanimous affirmative vote was recorded.

15. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 7:27 p. m. and Councilmembers entered into Executive Session. Regular Session reconvened at 7:40 p.m. and Mayor Bronaugh stated that the Council had discussed attorney/client matters and appointments to Boards and Commissions

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember R. L. Kuykendall that upon the recommendation of the Assistant City Attorney Tommy Deaton, the house located at 607 MLK Drive be demolished. A unanimous affirmative vote was recorded.

16. **APPOINTMENT – APPROVED – ELECTRICAL BOARD – EUGENE McCLAIN**

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Jack Gorden, Jr. that Eugene McClain be appointed to the Electrical Board. A unanimous affirmative vote was recorded.

17. **APPOINTMENTS – APPROVED – CONSTRUCTION BOARD OF APPEALS AND ADJUSTMENT – MARK STRONG – PAUL KOLLAUF – SAMMY FERRERA – J. R. SHANKLE – BILLY WEISINGER**

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Mark Strong, Paul Kollauf, Sammy Ferrera, J. R. Shankle and Billy Weisinger be reappointed to the Construction Board of Appeals and Adjustment. A unanimous affirmative vote was recorded.


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

City Manager Maclin stated that the Finance Committee would meet on October 15th at 3:00 p.m.

City Manager Maclin stated that Jack Sweeney would be the guest speaker for the First Friday luncheon October 4th.

Mayor Bronaugh reminded Councilmembers of the “Music in the Park” event every Friday in October sponsored by Main Street.

19. There being no further business for consideration, meeting adjourned at 7:47 p. m.


Louis A. Bronaugh - Mayor

ATTEST:


Atha Martin – City Secretary