MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH OF JUNE 2003

On the 6th day of June 2003 the City Council of the City of Lufkin, Texas, convened in a Regular Meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Rose Faine Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
David Koonce	Director of Human Resources
Stephen Abraham	Director of Planning

being present when the following business was transacted.

1. Meeting was opened with prayer by Father Doyle, St. Andrews Catholic Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of May 20, 2003 were approved on a motion by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

4. **RESOLUTION/FUNDING AGREEMENT – APPROVED – TxDOT – SAFE ROADS TO SCHOOL PROJECT**

Mayor Bronaugh stated that the next item for consideration was a Resolution and Funding Agreement with TxDOT for Safe Roads to School Project.

City Manager Maclin stated that the City Engineering Department was made aware of an opportunity for participation in the Safe Routes to School Program. Mr. Maclin stated that the City submitted an application and has been notified that we were successful in receipt of funds to assist us with the construction of sidewalks that will provide a safe route for children to walk to school in areas adjacent to some of the LISD schools. Mr. Maclin stated that there are two sections of property that are included in this grant allocation and one is on Denman Avenue between Timberland Drive and Chestnut and the other one is on Live Oak between Copeland and Old Union Road. Mr. Maclin stated that this is a very unique grant in that it is a 100% grant and did not require a match by the City. Mr. Maclin stated that this is a positive opportunity for a full funded grant that will meet the needs for our citizens by the provision of sidewalks for children to walk on for a safe trip to school. Mr. Maclin stated that staff would recommend that Council consider approving this Resolution.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Don Langston that the Resolution/Funding Agreement with TxDOT for Safe Roads to School Project be approved as presented.

Councilmember Robertson asked if this Program required sidewalks on both sides of the street. Mr. Wright stated that was the way the grant was written up – sidewalks on both sides of the streets on Denman from Timberland to Chestnut and on Live oak from

Copeland to Old Union. Mr. Maclin stated that in addition it has curbs cuts to meet ADA requirements.

Councilmember Robertson stated that he had noticed that the plans did not show the symbol for the sidewalk on the west side of Live Oak. Mr. Wright stated that it is both sides of the street.

Councilmember Robertson asked if the Program required sidewalks on both sides of the street or did the City just choose to put sidewalks on both sides. Mr. Wright stated that he thought the City had chosen to put sidewalks on both sides. Mr. Robertson stated that the reason he brought it up was that if we put the sidewalk on one side we could have put sidewalks at other schools also. Mr. Wright stated that he would go back and investigate this with the engineer who drew up the plans.

Mr. Wright stated that when the City applied for the grant, staff did not think we would get the grant because of the high competition and a limited amount of money. Mr. Wright stated that the City had to provide proof of the impact as a requirement of the grading/scoring criteria and on the scoring criteria staff selected areas that gave us the highest score. Mr. Wright stated that one of the requirements was if it tied into an existing construction project, and the Live Oak sidewalks were tied into the Copeland Street construction utilizing that to get extra points. Mr. Wright stated that actual foot traffic into the school by foot or bicycle count was used in order to get points for the grant. Mr. Wright stated that there was a front-page picture in the newspaper showing some children walking down the street on Live Oak the day staff was to submit the grant application, which staff submitted along with the application.

Mr. Wright stated that there are several schools that need better access for students and foot traffic – two that come to mind are Slack School and Coston School. Mr. Wright stated that if more of these grants become available, the City would apply for them. Mr. Wright stated that staff would select the schools that would give us the best score on the grant application.

Councilmember Robertson asked how often the City would be eligible for these grant funds. Mr. Wright stated that if the State presents this program again next year, he assumes that the City would be eligible. Mr. Wright stated that on some grant programs points are deducted if you were awarded funds the previous year. Mr. Wright stated that the City would continue to apply.

A unanimous affirmative vote was recorded.

5. **AGREEMENT – APPROVED – TxDOT– EXTENSION OF WHITEHOUSE DRIVE**

Mayor Bronaugh stated that the next item for consideration was an Agreement with TxDOT for provision of funds towards extension of Whitehouse Drive west to FM 819.

City Manager Maclin stated that included in the Council packet is a TxDOT Local Transportation Project Advance Funding Agreement, which basically is an agreement between the City of Lufkin and TxDOT to provide some funding for this proposed project. Mr. Maclin stated that the other funding that the City feels like it can count on would be $800,000 from the State and $150,000 from Wal-Mart on a total of an approximate $2.4 million project, that basically would connect Whitehouse going due west to tie into FM 819 in the vicinity of the South Park Industrial Park entrance.

Mr. Maclin stated that the City is kind of in a position where TxDOT is asking for this commitment and is asking for the City to begin on the project before the end of the year to insure that this project would be completed prior to the time that they begin the construction on the near-term improvements for U S 59 south. Mr. Maclin stated that we had briefly discussed this at the Retreat and Council said they would like to discuss it further by putting in on a Council agenda. Mr. Maclin stared that if the Agreement is approved, then staff will meet with TxDOT and proceed. Mr. Maclin stated that if the Agreement were not approved then any construction would be postponed on the project at this time.

Mayor Bronaugh asked if the staff knew when TxDOT was starting the project on US 59. Mr. Maclin stated that Council would know the answer on June 11th at the Called Council meeting where TxDOT would be the first item on the agenda.

In response to question by Mayor Bronaugh, Mr. Maclin stated that Mr. Cooley had indicated to him that this is $800,000 of contingency money and if we don't give him a commitment shortly then he would re-allocate those funds to other things. Mr. Maclin stated that Mr. Cooley is under a fiscal time frame of the fiscal year for the State.

In response to question by Councilmember Robertson, Mr. Maclin stated that the way the project is proposed is that it would be done in two phases. Mr. Maclin stated that the part from FM 819 to the rear of the Wal-Mart property would be Phase I, and in essence Wal-Mart is paying for that portion of the road that would tie in on their property off the back of their property. Mr. Maclin stated that this road actually makes a straight shot if you extended Whitehouse due west towards the Industrial Park so the spin-off to the rear (the truck entrance to Wal-Mart) would be that spur off of the street that would provide access in Phase I to the rear of the Wal-Mart property. Mr. Maclin stated that Phase II would complete that east-west corridor to where it ties into Daniel McCall.

In response to question by Councilmember Robertson, Mr. Maclin stated that the City would be under a commitment to finish the entire project by the end of calendar 2006, basically a three-year time frame.

Councilmember Robertson stated that some of the concern he has heard has been about since we are trying to get as much traffic reduced through the college as we possibly can even to the extent that somewhere near the college restricting it to college traffic only. Councilmember Robertson asked if there was any thinking along that line. Mr. Maclin stated that staff has had discussions with the President of the college and he and the Board would certainly appreciate the opportunity in the future to be able to control the excess on that portion of Daniel McCall that goes through the college in between the gymnasium and the basic campus and the baseball field. Mr. Maclin stated that that is a prescribed, stated desire of the college to be able to have this alternate access to FM819 so that they would then be able to control the access through the college. Mr. Maclin stated that it is a safety hazard with students walking back and forth between the athletic facility and the main body of the campus and parking area.

Councilmember Langston asked if the City has an estimate for the completion of the project for the total to bring the road from Whitehouse at US 59 to FM819. Mr. Maclin stated that is the $2.4 million, which is for a two-lane road with a 60 or 80' right-of-way. Mr. Maclin stated that the 80' right-of-way is our desired approach so that it gives us the potential for making this a four-lane in the future. Mr. Maclin stated that obviously if we had the money we would like to four-lane it now, but we were trying to make it as economical as possible by starting off with at two-lane with adequate right-of-way for expansion at some point in the future when Council feels it is appropriate. Mr. Wright stated that the cost ($2.4 million) includes the section from Wal-Mart back to FM819 with a shoulder and no curb and gutter. Mr. Wright stated that the bridge would be designed for full development and the street would be widened at a later date, if necessary.

In response to question by Councilmember Gorden, Mr. Maclin stated that within the next 18 months we would do Phase I and within the following 18 months we would complete Phase II. Mr. Maclin stated that basically the Council is approving the whole project. Mr. Maclin stated that we are doing the project in phases for several reasons and if Council approves this Agreement they are approving the entire project.

In response to question by Councilmember Gorden, Mr. Maclin stated that what Council discussed at the Retreat was to trade timing for the Public Works Facility that was already in the 1999 Capital Improvement Program and do this project with that money, and then try to come back with the Public Works Facility in the 2005 CIP.

Mr. Maclin stated that to be very clear, the commitment for TxDOT to get the $800,000 the road from FM819 to Daniel McCall must be built by 2006.

Councilmember Langston stated that he saw the need for the relief, but he has a concern that if we are unable to find a way to complete the project all the way through to Whitehouse and US 59. Councilmember Langston stated that a little bit is better than not enough but certainly it leaves the connotation that really the City is providing a relief route for one major retailer and that is what he is most concerned about, but he sees the need for a completed road.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Jack Gorden, Jr. that Agreement with TxDOT for provision of funds towards the extension of Whitehouse Drive west to FM 819 be approved as presented. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that he would like to commend staff on their wisdom to obtain right-of-way for the future widening of that area as the traffic and growth will dictate.

5. **STREET OVERLAY PROGRAM FOR 2003 – APPROVED**

Mayor Bronaugh stated that the next item for consideration was the street overlay program for 2003.

City Manager Maclin stated that when Council approved the budget for this fiscal year there was an allocation in the Street Department for our overlay program. Mr. Maclin stated that as Council reflects on the past 10 – 12 years, the City initially did a lot of overlay programs and have begun to get caught up on the City's overlay needs. Mr. Maclin stated that we have been shifting some of our focus, energy and effort towards reconstruction of streets where we have streets that have base failure and drainage inadequacies to where reconstruction from the sub-base up is required. Mr. Maclin stated for example, like we did Culverhouse and how we are doing Copeland now would be examples of re-construction. Mr. Maclin stated that we still have a lot of small areas primarily in residential areas where these streets have not received attention in many years. Mr. Maclin stated that the Street Department and Engineering Department and Public Works Administration have worked together to use their street grading program and they have come up with this list of suggested streets for inclusion in our program this summer. Mr. Maclin stated that the costs reflect only the cost for asphalt; no other cost estimates are included. Mr. Maclin stated that staff is seeking Council's input for additions, deletions, corrections or what their pleasure is on this proposed list of streets. Mr. Maclin stated that Steve Poskey, Street Superintendent and Kenneth Williams, Director of Public Works, were present to answer any question from Council.

Councilmember Gorden stated that he was not that familiar with all the streets listed but agreed with the streets in Ward 5. Councilmember Gorden stated that if he had a question it would be about the last street on the list for Ward 5, which he agrees needs doing. Councilmember Gorden stated that he would mention this one because it is an oil top road. Mr. Williams stated that it is an oil top road and there ahs been a lot of water line replacements where the road has been torn up pretty bad in some sections, and that is the reason it is on the list now.

Councilmember Gorden asked if the City had the equipment to re-do an oil top road. Mr. Williams replied, "yes".

Mr. Williams stated that all the streets were analyzed as to whether they needed water line replacement or sewer line replacement. Mr. Williams stated that some streets had been eliminated that might be worst than these because replacement of water and sewer lines would have to be done first.

Councilmember Robertson stated that he had been on Randolph Street earlier today and it looked like there had been a lot of activity. Councilmember Robertson asked if the water line had been replaced. Mr. Williams stated that the water line replacement work was finished and the street is ready to be overlaid.

Councilmember Robertson stated that he did not see any reason to re-do Mantooth right now. Councilmember Robertson stated that Mantooth has some speed humps and he would like to keep them there. Councilmember Robertson stated that on the sheet Council had been given at the retreat for Capital Improvements for 2005 it shows that Mantooth will get some water line replacement in 2005. Councilmember Robertson stated that he did not think we would want to overlay that street before 2005. Mr. Williams stated that this portion of Mantooth is from Raguet to Broadmoor. Councilmember Robertson asked how many overlays do we put on a street before we shave the overlay material off and start over because right now the top is above the curb in a lot of places on Mantooth. Councilmember Robertson stated that it doesn't make any sense to run the street sweeper, which we've been doing, down that street to pick up any stuff out of the gutter because it doesn't even catch it. Councilmember Robertson stated that if we put an overlay on Mantooth, we would be over the curb line on many parts of the street. Mr. Williams stated that Mantooth was schedule for milling if it were overlaid. Mr. Williams stated that on some streets they do preventive maintenance by going in and overlaying the street before it gets too bad and becomes too costly. Mr. Williams stated that was the thinking on Mantooth. Mr. Williams stated that the list in Councilmember Robertson's Ward was really short and that was one reason they added Mantooth.

Councilmember Robertson asked for clarification of the water line replacement and stated that the map shows the areas from Herndon to Broadmoor. Mr. Wright showed Councilmember Robertson the area for water line replacement on the map. Councilmember Robertson requested that Mantooth be taken off the overlay list.

Councilmember Langston asked if there was any way that when we get into larger projects Council can get a projected total cost of the project.

Mr. Williams stated that when the City first started the overlay program staff got engineer's cost of the streets the City was considering overlaying and when the costs came back it was evident that we could do the work cheaper with out own equipment and people. Mr. Williams stated that he did have a list of every street with the projected cost if we contracted out the work.

City Manager Maclin stated that one thing that could be done along those lines on the larger jobs is bid it both ways – let the private contractor bid and let the City bid and make a comparison.

In response to question by Mr. Williams, Councilmember Gorden stated that if everyone was in agreement he would like to see the City proceed with Old Gobbler's Knob Road.

In response to question by Councilmember Langston, Mr. Williams stated that, "yes, all of this work is proposed to be finished by the end of the fiscal year".

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Lynn Torres that the street overlay program for 2003 be approved with the deletion of Mantooth Street as requested by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

7. **FINAL REPORT – TABLED – HDR ENGINEERING – COMPOSTING PROJECT – SOLID WASTE DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was the final report from HDR Engineering regarding a composting project for the Solid Waste Department.

Risa Fisher of HDR Engineering gave a detailed report of the composting project for the Solid Waste Department. A copy of the report is on file in the City Secretary's Office and can be seen on the City's web site.

8. **RENEWAL OF CONTRACT – APPROVED – FIRST SOUTHWEST COMPANY – PROVISION OF ARBITRAGE REBATE CALCULATION**

Mayor Bronaugh stated that the next item for consideration was the renewal of a contract with First Southwest Company for the provision of arbitrage rebate calculation.

City Manager Maclin stated that included in the Council packet is a memorandum from the Director of Accounting stated that this contract expired last month. Mr. Maclin stated that the contract was dated May of 1998. Mr. Maclin stated that there is also a proposed agreement from the First Southwest Company for renewal with the fees stated. Mr. Maclin stated that basically arbitrage laws require that the City provide reports to the government. Mr. Maclin stated that when we borrow money, while we are holding that money until we spend it on a project for capital improvements, or whatever, we invest it. Mr. Maclin stated that if we invest it at an interest rate that is higher than the interest rate that we borrowed it for then we owe the government the difference and there are reports that have to be filed with the government annually. Mr. Maclin stated that staff would seek Council's consideration to renew this contract with the First Southwest Company. Mr. Maclin stated that they had done a good job for the City over the past five years.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Rose Faine Boyd that the contract with First Southwest Company for the provision of arbitrage rebate calculation be approved as presented. A unanimous affirmative vote was recorded.

9. **<u>BID – APPROVED – 2002 TCDP WATER IMPROVEMENTS PROJECT/ORCA CONTRACT NO. 722491</u>**

Mayor Bronaugh stated that the next item for consideration was the 2002 TCDP Water Improvements Project/OCRA Contract No. 722491.

City Manager Maclin stated that included in the Council packet is a bid tabulation sheet from Pat Oates the project engineer for Goodwin-Lassiter. Mr. Maclin stated that we have all the bids from multiple bidders and we bid this in two different formats – one that is called a conventional open where they take the backhoe and dig the ditch and pupt the pipe in and cover it and then the other is directional boring. Mr. Maclin stated that the City h as been using the directional boring on some other jobs such as the Mall and other places where they have parking lots or a lot of landscaping issues to deal with. Mr. Maclin stated that the bidders are different – if you go with the low bid and the open cut the low bid is Oscar Crawford at $371,284. Mr. Maclin stated that if you go with the alternat bid for directional boring the low bidder is J & D Construction at $441,371.98. Mr. Maclin stated that staff is seeking Council's direction as to which low bid they prefer. Mr. Maclin stated that the area where this line is being replaced is Humason, Hoskins, Clinton and Matthews area partially in Ward 1 and mostly in Ward 2. Mr. Maclin stated that this is one of the projects for replacement of the A/C pipe. Mr. Maclin stated that the City was fortunate enough to apply to the Texas Community Development Program and get $250,000 of federal funds to be used towards the project, so that's money that we don't have to pay back like we do with the Texas Water Development Board low interest loan program. Mr. Maclin stated that this is actually the second one of these we've received where we get $250,000.

In response to question by Councilmember Gorden, Mr. Maclin stated that the City has had successful jobs by both of these contractors.

Councilmember Boyd asked for staff's recommendation. Mr. Wright stated that the directional boring is less intrusive to the neighborhood. Mr. Wright stated that they have to dig bore pits and bore up to 800 to 1,000 feet for the smaller lines and they don't have to tear up the yards. Mr. Wright stated that the open bore cut is cheaper but is a lot more intrusive to the neighborhood.

Councilmember Langston stated that technologically directional boring is a great tool to use where you have great expanses of impervious pavement for instance that you don't want to disturb but it also has its pitfalls if you don't know where the sewer lines are exactly and the where the water lines are exactly. Mr. Langston stated that you can create some problems that you don't know you have and you'll have complaints coming in. Mr. Wright stated that they are sending City crews out ahead of the contractor with cameras locating the services and marking them thru a visual, physical inspection and eliminating some of the problems they've encountered in the past.

In response to question by Councilmember Langston, Mr. Wright stated that both bids had the same time frame of 120 days.

In response to question by Councilmember Torres, Mr. Wright stated that we will deduct the $250,000 from the total bid.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Langston that the base bid of Oscar Crawford in the amount of $371,284 for the conventional open cut for the 2002 TCDP Water Improvements Project/OCRA Contract No. 722491 be approved as submitted. A unanimous affirmative vote was recorded.

10. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 6:35 p. m. to enter into Executive Session. Regular Session reconvened at 8:02 p.m. and Mayor Bronaugh stated that the Council had discussed appointments to the Electrical Board and the Planning & Zoning Commission and attorney-client matters.

11. **APPOINTMENTS – APPROVED – ELECTRICAL BOARD – GARY ALEXANDER – CHARLIE CAVER – JERRY PAYNE – TOM PAXON**

Mayor Bronaugh stated that the next item for consideration was appointments to the Electrical Board.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Don Langston that Gary Alexander, Charlie Caver, Jerry Payne and Tom Paxton be re-appointed to the Electrical Board. A unanimous affirmative vote was recorded.

12. **APPOINTMENTS – APPROVED - PLANNING & ZONING COMMISSION**

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember R. L. Kuykendall that Jackie Zimmerman be appointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

13. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER

City Manager Maclin stated that at the First Friday luncheon the Small Business of the Year would receive an award.

City Manager Maclin stated that Wednesday, June 11, there would be a called meeting of the Council at 3:00 p.m.

City manager Maclin stated that on Tuesday, June 10, the Council has been invited to attend the Pineywoods Home Team annual banquet at Crown Colony.

City Manager Maclin stated that the TML Region 16 meeting would take place at the Fredonia Inn at 6:00 p.m. on June 16th.

14. There being no further business for consideration, meeting adjourned at 8:05 p.m.

Louis A. Bronaugh

Louis A. Bronaugh – Mayor

ATTEST: Atha Martin

Atha Martin – City Secretary