

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 4TH DAY OF SEPTEMBER, 2007

On the 4th day of September, 2007, 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:

Jack Gorden, Jr.
Rose Faine Boyd
R. L. Kuykendall
Lynn Torres
Don Langston
Rufus Duncan
Phil Medford
Paul L. Parker
Keith Wright
Robert Flourmoy
Renee Thompson
Larry Brazil
Pete Prewitt
David Koonce
Doug Wood
Barbara Thompson
Steve Floyd
Chuck Walker
Dorothy Wilson
Jim Wehmeier
Belinda Southern

Mayor
Mayor Pro-Tem
Councilmember, Ward No. 1
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Assistant City Manager
City Attorney
City Secretary
Police Chief
Fire Chief
Human Resource Director
Finance Director
Main Street Director
Solid Waste Director
City Engineer
Planning Director
Economic Development Director
Finance Senior Accountant

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Dan Norman, Glad Tidings Assembly of

1. God.

2. Mayor Gorden welcomed visitors present. Councilmember Lynn Torres recognized LHS students who were present satisfying their government class requirement. Councilmember Torres noted that these students took the first opportunity to attend a City Council meeting since school had started and were to be commended.

3. APPROVAL OF MINUTES

Minutes of the Special Called Meeting on August 17, 2007, Regular Meeting of August 21, 2007, and Special Called Meeting of August 28, 2007, were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

OLD BUSINESS :

4. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING - THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS - APPROVED - BY GRANTING A "SPECIAL USE" PERMIT FOR A RESTAURANT WITH A PRIVATE CLUB WITHIN A "LOCAL BUSINESS" ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS LOT 2 OF THE GARDEN DISTRICT SHOPPING VILLAGE PHASE IV REVISED AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use" Permit for a Restaurant with a Private Club within a "Local Business" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin,

Texas, described as Lot 2 of the Garden District Shopping Village Phase IV revised and authorizing the City Planner to make such changes on the official map.

City Manager Paul Parker stated that this was the second reading of the request for a Special Use Permit for alcoholic beverage sales at a proposed Olive Garden Restaurant that would be approximately seven thousand four hundred and forty-one (7,441) square feet with a total occupancy of two hundred and eighty-seven (287) persons and that Staff would answer any questions in relation to the item.

Mayor Gorden opened the Public Hearing at 5:06 p.m. and asked anyone wishing to speak on this item to please step forward. There appearing to be no one wishing to speak, Mayor Gorden closed the public hearing at 5:07 p.m.

Councilmember Lynn Torres moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a "Special Use" Permit for a Restaurant with a Private Club within a "Local Business" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as Lot 2 of the Garden District Shopping Village Phase IV revised and authorizing the City Planner to make such changes on the official map. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

5. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN OF THE CITY OF LUFKIN, TEXAS. - APPROVED - BY CHANGING THE ZONING AND FUTURE LAND USE PLAN DESIGNATION OF BLOCK 52, LOTS 4, 5, AND 6 OF THE LUFKIN LAND AND LUMBER CO. #2 SUBDIVISION AND TRACTS 6 AND 7 OF THE G. W. MASSINGILL SURVEY TO A COMMERCIAL ZONING DISTRICT AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN TO THE CLASSIFICATION OF COMMERCIAL**

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance amending the Zoning Ordinance and the Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas, by changing the Zoning and Future Land Use Plan designation of Block 52, Lots 4, 5, and 6 of the Lufkin Land and Lumber Co. #2 Subdivision and Tracts 6 and 7 of the G. W. Massingill Survey to a Commercial Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of Commercial.

City Manager Paul Parker stated that this was the Second Reading of the request by the applicant Tim Cahill to develop a golf driving range and that at the previous meeting several neighboring residents voiced concerns in regard to traffic, noise and distance. City Manager Parker furthered that the request would combine properties into a single zoning classification of "Commercial" and that there was a thirty-eight percent (38%) written protest filed against the request, therefore the Council would need an affirmative vote of six (6) of the seven (7) Council members to approve the request.

Mayor Gorden opened the Public Hearing at 5:08 p.m. and asked anyone wishing to speak on the item to please step forward. There appearing to be no one wishing to speak, Mayor Gorden closed the public hearing at 5:09 p.m.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance and the Future Land Use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas, by changing the Zoning and Future Land Use Plan designation of Block 52, Lots 4, 5, and 6 of the Lufkin Land and Lumber Co. #2 Subdivision and Tracts 6 and 7 of the G. W. Massingill Survey to a Commercial Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of Commercial. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

6. SECOND READING OF AN APPROPRIATIONS ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, - APPROVED - AND ENDING SEPTEMBER 30, 2008

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Appropriations Ordinance adopting a Budget for the Fiscal Year beginning October 1, 2007, and ending September 30, 2008.

City Manager Paul Parker stated that this was the Second Reading and that Council was very familiar with the budget due to numerous meetings and workshops; but he would highlight some items and answer any questions that Council had concerning the budget. City Manager Parker stated that this year's budget would keep the tax rate the same as last year at \$0.5554 per one hundred dollar (\$100) of valuation and unless property had risen in value or substantial improvements had been made, property owners would not pay additional property taxes. City Manager Parker continued that tax revenue will increase by approximately four hundred eighty-three thousand dollars (\$483,000). City Manager Parker added that the proposed budget contained a three percent (3%) cost of living adjustment (COLA) for all employees, with the exception of the Fire Department. City Manager Parker explained that the Fire Department Civil Service salaried positions fell below other cities similar in size, so a proposed salary increase of an average of 13.81% would be instituted along with a three percent (3%) increase to the Firemen's Retirement Fund which would total one hundred twenty thousand dollars (\$120,000). City Manager Parker stated that there would be no increase for Solid Waste services, however due to rising costs, there would be a recommended increase in water and wastewater rate charges which would be detailed in the next two (2) agenda items and the increase would average 8.14%, depending on the user.

City Manager Parker stated that he would be glad to answer any questions that Council had concerning the Budget.

Mayor Gorden then entertained comments and/or motions from the Council.

Councilmember Rose Faine Boyd moved to approve the Second Reading of the Appropriations Ordinance adopting a Budget for the Fiscal Year beginning October 1, 2007, and ending September 30, 2008. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

7. SECOND READING OF AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LUFKIN - APPROVED - AND PROVIDING FOR THE DEBT SERVICE FUND FOR THE FISCAL YEAR 2008 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Debt Service Fund for the Fiscal Year 2008 and apportioning each levy for the specific purpose.

City Manager Paul Parker stated that the property tax rate for Fiscal Year 2007/2008 would remain the same as last year at \$0.5554 per one hundred dollar (\$100) valuation; therefore, unless citizen's property valuations had been adjusted or significant improvements were made to their property, they would not pay any additional property taxes. City Manager Parker then stated that the tax rate would however generate more tax revenue for maintenance and operations and that the effective tax rate for the next fiscal year was \$0.524969, therefore, the proposed tax rate of \$0.5554 would generate approximately four hundred eighty-three thousand dollars (\$483,000) in additional revenue. City Manager Parker also reminded Council that per State law, specific language needed to be used in making a motion to approve the Second Reading of the Ordinance and that Staff recommended that the Second Reading of the Ordinance be approved.

Councilmember Rose Faine Boyd moved that property taxes be increased by the adopting of a tax rate of \$0.5554 per one hundred dollar (\$100.00) valuation. Councilmember Boyd

stated that the tax rate would raise more taxes for maintenance and operations than last year's tax rate. The tax rate would raise taxes for maintenance and operations on a one hundred thousand dollar (\$100,000) home by approximately thirty dollars forty-three cents (\$30.43). Council member Lynn Torres seconded the motion.

The following vote was recorded:

Aye: Mayor Jack Gorden, Council Members Rufus Duncan, R.L. Kuykendall, Phil Medford, Lynn Torres, and Rose Faine Boyd

Nay: Council Member Don Langston

The motion carried with (6) six affirmative votes.

8. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 51.111 OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS; - APPROVED - MAKING CERTAIN CHANGES IN THE SEWER RATES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance amending Chapter 51.111 of the Code of Ordinances of the City of Lufkin, Texas; making certain changes in the Sewer Rates; repealing all Ordinances in conflict therewith; and providing an effective date.

City Manager Paul Parker stated that as Council was aware, the City entered into a contract with Freese & Nichols, LLC, to conduct a water and wastewater rate study to determine actual costs and that the resulting study recommended a rate increase based on the type of user. City Manager Parker added that the minimum residential charge would increase from the present eight dollars seventy-six cents (\$8.76) to nine dollars fifty cents (\$9.50) and that Staff recommended approval of the proposed rate increase.

Mayor Gorden then entertained comments and/or motions from Council.

Councilmember Lynn Torres moved to approve the Second Reading of the Ordinance amending Chapter 51.111 of the Code of Ordinances of the City of Lufkin, Texas; making certain changes in the Sewer Rates; repealing all Ordinances in conflict therewith; and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

9. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 52.15. (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2), AND (E) OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS; - APPROVED - MAKING A CHANGE IN THE RESIDENTIAL, COMMERCIAL, IRRIGATION, INDUSTRIAL AND WHOLESALE WATER RATES; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance amending Chapter 52.15, (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2), and (E) of the Code of Ordinances of the City of Lufkin, Texas; making a change in the Residential, Commercial, Irrigation, Industrial and Wholesale Water Rates; repealing all Ordinances in conflict therewith; and providing an effective date.

City Manager Paul Parker stated that the rate increase proposed was the result of findings from the water and wastewater study conducted by Freese & Nichols, LLC and that with the increase, the minimum residential charge would increase from nine dollars seventy-two cents (\$9.72) to ten dollars fifty cents (\$10.50) and that Staff recommended approval of this item.

Mayor Gorden then entertained comments and/or motions from Council.

Councilmember R. L. Kuykendall moved to approve the Second Reading of the Ordinance amending Chapter 52.15, (A), (1), (2), (3), (B), (1), (2), (3), (C), (1), (2), (3), (D), (1), (2), and (E) of the Code of Ordinances of the City of Lufkin, Texas; making a change in the Residential, Commercial, Irrigation, Industrial and Wholesale Water Rates; repealing all Ordinances in conflict therewith; and providing an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

10. BID FOR THE PURCHASE OF A 2008 PIERCE CUSTOM CONTENDER PUMPER TRUCK FOR THE FIRE DEPARTMENT AND APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 33), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 1999 CAPITAL IMPROVEMENT FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the purchase of a 2008 Pierce Custom Contender Pumper truck for the Fire Department and approval of a Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 33), providing for the supplemental appropriation of funds in the 1999 Capital Improvement Fund; and providing an effective date.

City Manager Paul Parker stated that included in the Capital Improvement Program for this year were the proceeds to purchase a new fire pumper truck in the amount of two hundred seventy-eight thousand dollars (\$278,000). City Manager Parker added that the Fire Department had also requested the addition of a compressed air foam system to be included on the truck, which was highly effective in suppressing structure fires, and also provided increased firefighting safety. City Manager Parker stated that the cost of the addition of the equipment was thirty-five thousand three hundred thirty-six dollars eighty-two cents (\$35,336.82) above the original budget. City Manager Parker explained that included in the bond proceeds were funds that the City recently used to purchase a street excavator which was purchased at a savings of approximately fifty thousand dollars (\$50,000). City Manager Parker added that if the purchase of the fire pumper truck with the compressed air foam system was approved, the funds necessary for the additional amount would be transferred by Budget Amendment No. 33 and that Staff recommended approval of the purchase and the Budget Amendment.

Fire Chief Pete Prewitt stated that currently the Fire Department did not have the compressed air foam system and the system was very safe when used for fire suppression. Mayor Jack Gorden questioned whether the system would be used for a particular type of fire. Fire Chief Prewitt stated that the system could be used on any type of fire, but that the Fire Department would be using it primarily on structural fires.

Mayor Gorden then entertained comments and/or motions from Council.

Councilmember R. L. Kuykendall moved to approve the purchase of a 2008 Pierce Custom Contender Pumper truck for the Fire Department and approval of the Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 33), providing for the supplemental appropriation of funds in the 1999 Capital Improvement Fund; and providing an effective date. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

11. 2007 JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$22,601 TO BE USED FOR THE PURCHASE OF EQUIPMENT BY THE POLICE DEPARTMENT AND APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 34), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the acceptance of the 2007 Justice Assistance Grant in the amount of \$22,601 to be used for the purchase of

equipment by the Police Department and approval of a Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 34), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that the grant was very beneficial to the City of Lufkin Police Department in the amount of twenty two thousand six hundred one dollars (\$22,601), with no local match required. City Manager Parker added that the Police Department was requesting to use the funds for the purchase of investigative and tactical team equipment and that Staff recommended approval to accept the grant.

Councilmember Lynn Torres moved to approve the acceptance of the 2007 Justice Assistance Grant in the amount of \$22,601 to be used for the purchase of equipment by the Police Department and approval of a Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 34), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

12. AWARD OF BID TO TIMBERLINE CONSTRUCTORS IN THE AMOUNT OF \$1,584,467 FOR THE CONSTRUCTION OF THE SOLID WASTE AND RECYCLING CAMPUS AND APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 35), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE SOLID WASTE/RECYCLING RENEWAL AND REPLACEMENT FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the award of bid to Timberline Constructors in the amount of one million five hundred eighty-four thousand four hundred sixty seven dollars (\$1,584,467) for the construction of the Solid Waste and Recycling Campus and approval of a Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 35), providing for the supplemental appropriation of funds in the Solid Waste/Recycling Renewal and Replacement Fund; and providing an effective date.

City Manager Paul Parker stated that Staff had been working with the Construction Committee in the design of a new Solid Waste campus and that originally six hundred thousand dollars (\$600,000) was set aside to construct a warehouse to house the recycling equipment, but over the course of the planning, the decision was made to combine the Solid Waste Garage and Fleet Maintenance Garage facilities as well as remodel existing Solid Waste administration facilities. City Manager Parker added that the project had expanded into a complete improvement of the entire Solid Waste Campus, which was recently bid, with the base bid totaling one million seven hundred thirty-three thousand dollars (\$1,733,000) with several deductive alternates. City Manager Parker stated that Staff had met with the Construction Committee, contractor and architect to discuss the alternates and recommended that deductive alternates six (6), the omission of skylights in Building A and C; seven (7), the omission of sheet vinyl flooring in Building A; eight (8), omit the purchasing and installation of appliances and equipment; and nine (9), the omission of work in two (2) offices and hall, and handrail improvements to existing stairs in Building B; be accepted. City Manager Parker further explained that the Construction Committee then asked the potential low bidder, Timberline Constructors, to recommend value engineering items to reduce the overall cost of the project. City Manager Parker then stated that it was recommended that value engineering items number two (2), three (3), four (4), five (5), six (6), seven (7) and eight (8) be accepted for a total savings of one hundred forty-eight thousand five hundred thirty three dollars (\$148,533), which would reduce the base bid to one million five hundred eighty-four thousand four hundred sixty-seven dollars (\$1,584,467). City Manager Parker stated that resources were available in the Solid Waste Fund and that the total amount that would need to be appropriated was one million one hundred twenty-nine thousand four hundred sixty-seven dollars (\$1,129,467) to complete the project. City Manager Parker added that Staff recommended that Council award the contract to Timberline Constructors in the amount of one million five hundred eighty-four thousand four hundred sixty-seven dollars (\$1,584,467) for the developments and improvements to the Solid Waste Campus and adopt Budget

Amendment No. Thirty-five (35), which appropriated one million one hundred twenty-nine thousand four hundred sixty-seven dollars (\$1,129,467) required to complete the project.

Mayor Gorden stated that architects Hesters and Sanders were on hand to answer questions that Council had. Councilmember Don Langston questioned value engineering item number six (6), the elimination of one (1) of the truck docks. Council member Langston questioned whether the small savings was worth the chance of needing two (2) truck docks, during an event, such as a hurricane. Assistant City Manager Keith Wright stated that the item had been reviewed by Staff, and was an appropriate adjustment due to the fact there was plenty of room to dock multiple trucks; but that it would be difficult to handle more than one (1) truck at a time. Councilmember Langston then questioned the funding of the project. City Manager Parker stated that this could be prorated by funds if requested; but the money would be taken from the Solid Waste Fund because it was readily available. Councilmember Rufus Duncan questioned Alternate Proposal No. Two (2). Mr. Roger Sanders, with Hesters and Sanders Architects, explained that it was just an additional option, and would eliminate most cosmetic renovations to the Recycling Building. Discussion ensued among Staff and Council pertaining to this alternate. City Manager Parker stated that he stood by the initial recommendation, but if Council desired, further explanation could be provided. City Manager Parker suggested that the issue could be resolved later in the meeting. The item was tabled to allow Staff to provide Council additional information.

13. AWARD OF BID TO LONGVIEW BRIDGE AND ROAD, LTD, FOR THE WHITEHOUSE DRIVE EXTENSION PROJECT AND APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 36), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 1999 CAPITAL IMPROVEMENTS FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the award of bid to Longview Bridge and Road, LTD, for the Whitehouse Drive extension project and approval of a Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 36), providing for the supplemental appropriation of funds in the 1999 Capital Improvements Fund; and providing an effective date.

City Manager Paul Parker stated that this was a long awaited project, and the project had been approved by TxDOT, and bid out as well. City Manager Parker stated that the apparent low bidder on the project was Longview Bridge and Road, LTD, in the amount of two million six hundred fifty-five thousand eight hundred forty-nine dollars and thirty-three cents (\$2,655,849.33). City Manager Parker added that the City would lay the asphalt for an additional five hundred sixty-six thousand five hundred eighty-two dollars and sixty cents (\$566,582.60). City Manager Parker stated that Staff recommended approval of Proposal No. Two (2), which added the construction of sidewalks and a pedestrian bridge in the amount of one hundred eight thousand five hundred five dollars (\$108,505). City Manager Parker stated that as Council was aware, Congressman Louie Gohmert had assisted the City in receiving a 2.2 million dollar appropriation to assist with this project, which had caused the project to grow. City Manager Parker explained that current funds were available for the completion of this project in the amount of three million eight hundred thirty-seven thousand three hundred seventy-two dollars (\$3,837,372). City Manager Parker added that should Council approve Proposal No. two (2), the total amount required for completion, including the asphalt, would be three million three hundred thirty thousand nine hundred thirty-six dollars ninety-three cents (\$3,330,936.93), which would leave an additional five hundred six thousand five hundred eighty-two dollars seven cents (\$506,437.07) for other projects or potential overruns. City Manager Parker stated that Staff recommended that Council award the contract to Longview Bridge and Road, LTD in the amount of two million six hundred fifty-five thousand eight hundred forty-nine dollars thirty-three cents (\$2,655,849.33). City Manager Parker explained that the contract would include Proposal No. two (2) for the construction of the pedestrian bridge and sidewalks for a total contract amount of two million seven hundred sixty-four thousand three hundred fifty-four dollars thirty-three cents (\$2,764,354.33). Assistant City Manager Keith Wright clarified the funding breakdown. Councilmember Don Langston stated that the project had grown; and was now significantly

larger than initially proposed, and that he was not inclined to continue to add expense to an already growing project. Councilmember Langston questioned where the previous pledged State funds had gone. City Manager Parker replied that when the City received the 2.2 million appropriation, TxDOT had withdrawn the funding in the amount of eight hundred thousand dollars (\$800,000). Assistant City Manager Wright stated that signalization, curb and gutter and other improvements had been added to increase the cost. Councilmember Langston expressed that his concern was that the project currently proposed to Council and the initial project were now completely different and that contingency for the project should be significantly reduced and placed back in the appropriate Fund. Councilmember Rufus Duncan questioned the ramifications of deleting the sidewalks and pedestrian bridge. City Manager Parker stated that the City was not under any obligation to complete the sidewalks and pedestrian bridge. Mayor Jack Gorden expressed that he wished to include the sidewalks and pedestrian bridge and that it would add to the attractiveness and usefulness of the area.

Councilmember Don Langston moved to accept the base bid without Proposal No. Two (2) to Longview Bridge and Road, LTD, for the Whitehouse Drive extension project and reduce the contingency amount to seventy five thousand dollars (\$75,000) with the remainder to be returned to the Capital Improvement Fund and approval of the Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 36), providing for the supplemental appropriation of funds in the 1999 Capital Improvements Fund; and providing an effective date. Councilmember Rufus Duncan seconded the motion. The following vote was recorded:

Aye: Council Members Don Langston, Rufus Duncan and Phil Medford

Nay: Mayor Jack Gorden, Council Members Lynn Torres, R.L. Kuykendall, and Rose Faine
Boyd

The motion failed with four (4) negative votes.

Councilmember Don Langston moved to award the bid with Proposal No. two (2) to Longview Bridge and Road, LTD, for the Whitehouse Drive extension project and reduce the contingency amount to seventy five thousand dollars (\$75,000) with the remainder to be returned to the Capital Improvement Fund and approval of the Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 36), providing for the supplemental appropriation of funds in the 1999 Capital Improvements Fund; and providing an effective date. Councilmember Rufus Duncan seconded the motion. A unanimous vote was recorded.

12. AWARD OF BID TO TIMBERLINE CONSTRUCTORS IN THE AMOUNT OF \$1,584,467 FOR THE CONSTRUCTION OF THE SOLID WASTE AND RECYCLING CAMPUS AND APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 35). - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE SOLID WASTE/RECYCLING RENEWAL AND REPLACEMENT; AND PROVIDING AN EFFECTIVE DATE

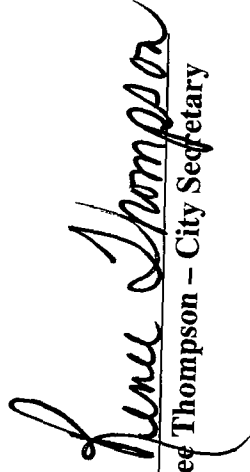
Council resumed discussion on Item No. twelve (12). Mr. Roger Sanders with Hesters and Sanders Architects clarified the issue of Proposal No. Two (2) and Five (5) to the Council. Councilmember Rufus Duncan questioned what removal of Proposal No. Two (2) would entail. Mr. Sanders explained the scope of the proposal. City Manager Parker reiterated that Staff would stand by the initial recommendation and that the renovations in question were definitely needed. Councilmember Don Langston stated this would really be deferred maintenance. City Manager Parker concurred, and added that the work was needed. Councilmember Rose Faine Boyd confirmed whether the City now had a scheduled maintenance plan for City buildings. City Manager Parker answered that a plan was now in place to prevent issues of this nature in the future. Councilmember Rufus Duncan questioned whether the item could be completed through the maintenance fund. City Manager Parker explained that it could, but the money would just be moved from this Fund to the General Fund.

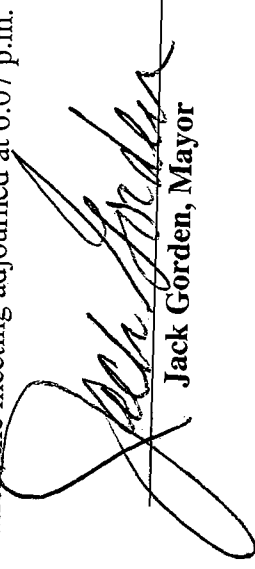
Councilmember Rose Faine Boyd moved to approve the award of bid to Timberline Constructors in the amount of one million five hundred eighty-four thousand four hundred sixty-seven dollars \$1,584,467 for the construction of the Solid Waste and Recycling Campus and approval of the Resolution authorizing an amendment to the 2006/2007 Operating Budget (Budget Amendment No. 35), providing for the supplemental appropriation of funds in the Solid Waste/Recycling Renewal and Replacement Fund; and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

14. CALENDAR NOTATIONS FROM MAYOR, COUNCIL MEMBERS, AND CITY MANAGER

City Manager Paul Parker reminded the Council of the National League of Cities Conference that would be held November 13th through 17th. City Manager Parker also directed Council's attention to documents highlighting new laws in regard to financial reporting during elections. City Manager Parker also highlighted upcoming items on the calendar including the Small Business Appreciation Dinner, the First Friday Luncheon and the Undoing Racism Town Hall Meeting which was scheduled for Monday, September 17th at the Civic Center. Mayor Jack Gorden expressed "Happy Birthday" wishes to Councilmember Rufus Duncan, City Manager Paul Parker and Human Resource Director David Koonce.

15. There being no further business for consideration, the meeting adjourned at 6:07 p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor