

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
19TH DAY OF AUGUST, 1997 AT 5:00 P. M.**

On the 19th day of August, 1997 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
Percy Simond
Betty Jones
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Bob Flournoy
Atha Stokes
Keith Wright
Stephen Abraham
Kenneth Williams

Mayor
Councilmember, Ward No. 1
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
City Attorney
City Secretary
City Engineer
Director of Planning
Director of Public Works

being present, and

Don Boyd

Mayor pro tem

1. Meeting was opened with prayer by Rev. Keith Whitaker, Minister, First United Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Called Meeting of July 22, 1997 and the Regular Meeting of August 5, 1997 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCES - APPROVED - SECOND READING - ANNEXATION - ZONING - RESIDENTIAL LARGE - UNITED PENTECOSTAL CHURCH - U.S. 59 AND FM 819**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for the annexation of and appropriate zoning classification for two tracts of land comprising approximately 29.3895 acres adjacent to the United Pentecostal Campground and generally located at the southwest corner of U. S. Highway 59 and FM 819.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that Ordinance for the annexation of, and a zoning classification of Residential Large, for two tracts of land comprising approximately 29.3895 acres adjacent to the United Pentecostal Campground and generally located at the southwest corner of U. S. Highway 59 and FM 819 be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. **ORDINANCE - APPROVED - SECOND READING - SUBDIVISION ORDINANCE - DRAINAGE CRITERIA MANUAL**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to amend the Subdivision Ordinance to include the approval of the Drainage Criteria Manual.

Motion was made by Councilmember Bob Bowman and seconded by
8/19/97

Councilmember Betty Jones that the amendment to the Subdivision Ordinance including the Drainage Criteria Manual be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - RIGHT - OF - WAY ABANDONMENT - FIRST CHRISTIAN CHURCH - CIMMARON STREET

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for the abandonment of street right-of-way adjacent to the First Christian Church at Cimmaron Street.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that Ordinance for the abandonment of street right-of-way adjacent to the First Christian Church at Cimmaron Street be approved as presented.

Mayor Bronaugh recused himself from voting. Motion carried with five affirmative votes.

7. ORDINANCE - APPROVED - FIRST READING - SITE PLAN APPROVAL - SOUTH LOOP CROSSING SHOPPING CENTER - LOOP 287 - HARMONY HILL DRIVE - TULANE DRIVE - COMMERCIAL DISTRICT

Mayor Bronaugh stated that the next item for consideration was the request of Philip Goodwin, on behalf of Ken Smith, for site plan approval of a shopping center to be known as South Loop Crossing located between Loop 287 (S. Medford Drive) and Harmony Hill Drive and Tulane Drive located within a "C" Commercial District.

City Manager Maclin stated that included in the Council packet is a memo from the Planning Department along with a recommendation from the Planning & Zoning Commission by unanimous vote for approval of the proposed site plan with two conditions: (1) Access to the site from the Loop 287 frontage road shall conform to the on-site improvements shown on the site plan. (The improvements are recommended by the Traffic Engineering Study prepared by Parsons Transportation Group for the City of Lufkin.) and, (2) The City Engineer shall approve the necessary storm water run off facilities for the site prior to the issuance of the first building permit.

Councilmember Jones asked how the storm water run off fits in with the Tulane Drive reconstruction. City Manager Maclin stated that the City has the benefit of the Engineering firm providing the services for both the Tulane project and the South Loop Crossing project, and as was mentioned in item #2 this plat in terms of what is actually built in terms of square footage of a building could be revised. City Manager Maclin stated that once a final plan is submitted for construction purposes then staff will be able to more accurately identify the necessary storm run off precautions, whether that be retention/detention, or whatever.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that request of Philip Goodwin on behalf of Ken Smith for site plan approval of a shopping center to be known as South Loop Crossing located between Loop 287 (S. Medford Drive) and Harmony Hill Drive and Tulane Drive located within a "C" Commercial District be approved as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL MEDIUM SINGLE FAMILY TO COMMERCIAL DISTRICT - 1600 SAYERS STREET - HOOD DAVIS

Mayor Bronaugh stated that the next item for consideration was the request of Hood Davis to change the zoning from "RM" Residential Medium Single Family to "C"

Commercial District on property located at 1600 Sayers Street.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department providing an explanation of this request and the current conditions. City Manager Maclin stated that the Planning & Zoning Commission by unanimous vote recommends approval of the zone change as requested.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance for a zone change from "RM" Residential Medium Single Family to "C" Commercial District on property located at 1600 Sayers Street as requested by Hood Davis be approved on First Reading as presented.

Councilmember Percy Simond recused himself from voting. Motion carried with five affirmative votes.

9. COPS GRANT - APPROVED - U. S. DEPARTMENT OF CRIMINAL JUSTICE - POLICE OFFICERS

Mayor Bronaugh stated that the next item for consideration was participation in the U. S. Department of Criminal Justice COPS Grant for hiring four additional police officers for gang intervention.

City Manager Maclin stated that this was an application that Chief Collins brought to Council earlier in the year. City Manager Maclin stated that the City has been very successful in applications to the Criminal Justice Department under the COPS program. City Manager Maclin stated that staff is extremely surprised but also pleased that the City has been granted permission to be recipients of another grant pending Council's authorization. City Manager Maclin stated that Chief Collins said that if the City was approved without a waiver of the match fund he would come back to seek Council's confirmation. City Manager Maclin stated that Chief Collins has provided a brief memo in the Council packet that outlines the financial impact for this fiscal year. City Manager Maclin stated that the net impact for the City would be the \$16,562 figure, and Chief Collins' budget would obviously have to be amended by \$83,124 for this year on the expenditure side. City Manager Maclin stated that on the revenue side the \$50,000 Department of Justice Grant would be added and the \$16,562 that LISD has committed to help participate in the program. City Manager Maclin stated that before considering the Appropriations Ordinance, which is the next item on the agenda, staff wanted to seek Council's consideration. City Manager Maclin stated that if Council were to approve this, then the updated numbers that would be handed out at the September 2nd meeting would reflect these changes to the Police Department and to the revenue side of the budget.

Chief Collins stated that this request covers the 1997-'98 fiscal years with those amounts. Chief Collins stated that the Police Department has gotten permission from the Department of Justice to expand the grant in the 1999 fiscal year if we so choose by two officers, and the following year by two more. Chief Collins stated that the Department chose to go for two officers at a time. Chief Collins stated that basically what Council is looking at for the 1999 fiscal year is with four officers it would double the figures for two ($\$16,562 \times 2 = \$33,124$), and if kept at the same level for the third year of the grant it would be double, and if expanded to six officers it would triple the figures ($\$16,562 \times 3 = \$49,686$); the fourth year of the grant would be 100% financed by the City. Chief Collins stated that the City is looking at the responsibility of funding these officers 100% the fourth year of any contract Council approves. Chief Collins stated that, in his opinion, the program would be well enough received by LISD that they would want to continue to participate in it and would probably help share the cost, but he could not speak for LISD. Chief Collins stated that if the City could work out a deal with LISD, then the fourth year of funding would not be so burdensome on the City. Chief Collins stated that these officers would be used primarily in the schools to teach the Gang Reduction

Education Program, which is very similar to the DARE education program. Chief Collins stated that the GREAT Program is aimed at middle school and high school students, where the gang problem really exists. Chief Collins stated that the GREAT program officers would also work with the juvenile probation department in a more traditional police role than just educators. Chief Collins stated that the officers would spend about 20 hours a week in the classroom in education processes and the rest of their duty time would be in more traditional police functions.

In response to question by Mayor Bronaugh, Chief Collins stated that the officers primary focus will be to work with the present gang problems in the City.

In response to question by Councilmember Simond, Chief Collins stated that he requested an exclusion or waiver of the City having to pay the fourth years expenses and it was denied. Councilmember Simond stated that he had some problems with this Grant, in that the City recently hired seven additional officers through a grant program, and he did not remember anyone saying that the City would have to fund these officers after the grant was ended. In response to question by Councilmember Simond, City Manager Maclin stated that it costs the City a little less than \$300,000 to fund these officers. Councilmember Simond stated that he was not too sure that this was not just a gimmick by the Justice Department. Mayor Bronaugh stated that, in his opinion, the Justice Department is trying to encourage cities to do something and by giving the City \$50,000 to start the program it is an encouragement. Councilmember Gorden stated that he remembered Chief Collins saying that after the program had run its course the City was not required to maintain those officers. Chief Collins stated that the City has the option after the fourth year to do whatever it wants to with the officers, even dropping them from the force if you so desire. City Manager Maclin stated that the City could not drop the officers the fourth year, but could drop them the fifth year. Chief Collins stated that this is a four year contract with the Justice Department participating for three years. In response to question by Councilmember Bowman, Chief Collins stated that 1998 will be the fourth year of the grant for the seven officers. City Manager Maclin stated that he believes that the way the Justice Department looks at the grant is that if they are at a point where the Council and the citizens feel like theres a need for additional officers this is a way to get it supplemented for at least three years. City Manager Maclin stated that when we got the other seven officers in the utilization of Community Policing, staff felt like it was appropriate because the City was growing and there was a need for additional police officers and this was a way to "grow" the City without having to bear the full expense the first three years. City Manager Maclin stated that what Chief Collins, and more specifically the Justice Department is saying, is if you feel like gang intervention is something that is a need for the community they are willing to provide the pilot seed money for the first three years, and then the City pick it up after that.

Chief Collins stated that juvenile crime is where the City's real growth of crime is right now, all other areas of crime in Lufkin have been on the decrease. Chief Collins stated that juvenile crime is like 150% of what it was six years ago.

Councilmember Gorden stated that Council may need to go ahead and approve this Grant, but he wondered if it were possible for Chief Collins to switch some of his existing resources around. Chief Collins stated that his Department is stretched about as thin as it can be. Chief Collins stated that if the Grant is not approved by Council he would have to pull two patrol officers off the street for gang intervention. Chief Collins stated that one thing he would like to point out is that the people of Lufkin pay taxes from where this money comes from and if Lufkin does not ask for it's share the money will go somewhere else.

In response to question by Councilmember Bowman, Chief Collins stated that the seven officers were hired for the specific purpose of implementing the community policing program, a different concept of policing. Chief Collins stated that in those areas where the Department has been able to utilize those resources, they have

dropped the crime rate significantly and increased the quality of life in those areas. Chief Collins stated that he would invite Council to contact Rev. Simmons who was the head of the Lufkin Land group, Benny Moyer in North Lufkin, and the Pinewood Park residents to explain the difference of the living conditions there today as compared to three years ago. Chief Collins stated that this program has had a good deal of success, and that he measured the success by the calls for service from those areas. Chief Collins stated that the calls are down significantly where the Department has been able to saturate those areas with community police officers to develop the community support that they need, and get the residents organized so that they better understand how they can help the Department to reduce the crime and the problem. Chief Collins stated that the program addresses abandoned houses and all the other things that have an impact on the quality of life.

In response to question by Councilmember Jones, Chief Collins stated that Superintendent Sharp understands that it is a three year grant and has verbally committed to the duration of the grant; he does not have anything in writing from him, but Mr. Sharp is very supportive. Chief Collins stated that Mr. Sharp has signed on to submit as much as \$18,000 this year, and it turned out to be less than that. Chief Collins stated that when the grant is in the fourth year, it will be subject to negotiations with LISD. City Manager Maclin stated that, in his opinion, their participation would be based on the success of the program. City Manager Maclin stated that LISD is paying 100% for the school resource officer during the school year. Chief Collins stated that this is the third or fourth year that LISD has paid 100%.

Chief Collins stated that he believes that LISD views this as an opportunity to create their own police department by getting a nucleus of officers working in there. Chief Collins stated that he has encouraged LISD to get their own police department.

In response to question by Councilmember Gorden, Chief Collins stated that this is a 75/65/60 grant, but the money will still be same with the City getting \$25,000 per officer per year.

Councilmember Simond stated that there is a rash of fires all over the country, which are probably arson and probably started by juveniles, and wondered if the Justice Department has appropriated any money for the fire department for this same sort of money. City Manager Maclin stated that he did not think so. Councilmember Simond stated that this is one of those "feel good" programs administered by the Justice Department. Councilmember Simond stated that he was not too sure that this is nothing but political. Councilmember Simond stated that what makes him unhappy about the grant is that they are forcing the City to pay \$300,000 a year, plus this grant, and the City did not institute this program, the Justice Department did. Councilmember Simond stated that he was not happy that the City is forced to participate in this program and nothing is done about the fire department in this country and especially in this City. Mayor Bronaugh stated that he did not think that the City is being forced to participate in this grant program, and was not forced to participate in the Community Policing Grant Program. Councilmember Simond stated that the selling point is that the City will get police protection. Mayor Bronaugh stated that the seven officers that the City hired through the Community Policing Program are certainly doing their jobs and it has shown on the reduction of calls and crimes in the areas that had problems.

Councilmember Jones stated that if this problem does exist, and she is hearing that it does, then Council does have a responsibility maybe to help the school provide some safety for the students. Councilmember Jones stated that she understands that you have to look at this long term and at the end the City will be funding the program completely, and that bothers her too, but if we have a problem in the school to that extent, then that bothers her also.

Chief Collins asked Council not to misinterpret what he says about the problem in

the school; it is not a "school" problem, it manifests itself in school, but our society takes it to school with them.

In response to question by Councilmember Bowman, Chief Collins stated that he has not discussed with Mr. Sharp whether the school would be willing to carry on this program once the grant has expired.

In response to question by Councilmember Simond, Chief Collins stated that the initial start up cost is the thing that is keeping LISD from having its own Police Department. Chief Collins stated that if LISD were to employ a Police Department today they need to hire a minimum of three and perhaps four full time police officers, and they are strapped for money just like all other governmental agencies are.

In response to question by Councilmember Gorden, Chief Collins stated that the addition of two GREAT police officers would bring his staff number up to 71.

Councilmember Simond stated that at the Council Retreat the Mayor stated that he would like to see two policemen riding in each car at night. Chief Collins stated that there are some benefits as well as some negative aspects; as far as danger to the officer, it is more dangerous to have two officers working together than working single like the Department does. Chief Collins stated that the Department provides a backup officer to any call that is judged potentially dangerous of any level. Chief Collins stated that statistics bear out that more officers are killed and injured working as partners on a percentage basis than individually, due to carelessness.

Councilmember Bowman stated that he shared Mr. Simond's concern about committing Council's future expenditures, but it is clear that Chief Collins has outlined a problem that needs attention.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that request for participation in the U. S. Department of Criminal Justice COPS Grant for hiring two additional police officers for gang intervention be approved as presented. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that Mrs. Garner and Mrs. Menefee were present in the audience and wanted to visit with Council about the gang problems at a future date, and would visit with the Police Chief after the meeting.

10. APPROPRIATIONS ORDINANCE - APPROVED - FIRST READING

Mayor Bronaugh stated that the next item for consideration was First Reading of the Appropriations Ordinance.

City Manager Maclin stated that approximately a month ago there was a budget draft presentation, then a Public Hearing where Council concurred with some revisions to the budget and those have been reflected.

City Manager Maclin stated that the changes were to have no increase in water and sewer rates and for the sewer extension project on the south side of town that we would either use contingency funds or Mr. Gorden suggested considering the issuance of revenue bonds. City Manager Maclin stated that if the City issued debt it would not impact the rate structure until next year as far as debt retirement is concerned.

City Manager Maclin stated that the other change from the budget draft presentation was to lower the increase in solid waste rates from 7% to 4%.

Motion was made by Councilmember Tucker Weems and seconded by

Councilmember Bob Bowman that the Appropriations Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. TAX LEVYING ORDINANCE - APPROVED - FIRST READING

Mayor Bronaugh stated that the next item for consideration was First Reading of the Tax Levying Ordinance.

City Manager Maclin stated that for items 11, 13 and 14 there is some updated information on the Council table that reflects accurate numbers that are minor in change. City Manager Maclin stated that the Ordinance on the Council table retains the current tax rate of .4869 cents per \$100 valuation.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the recommendation is to retain the current tax rate of .4869 cents per \$100 valuation, .36631 cents of that dedicated for maintenance and support of general government, and .120667 for interest and sinking fund for debt retirement.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that First Reading of the Tax Levying Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. ORDINANCE - APPROVED - FIRST READING - REVISION OF SOLID WASTE RATES

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance revising the Solid Waste rates.

City Manager Maclin stated that as mentioned this revision represents a 4% increase across the board increase excluding sales tax, a .51 cent per month increase including State sales tax for a total increase of .55 cents per month per residential customer and a .21 cent per cubic yard increase for the basic per cubic yard rate from \$5.18 to \$5.39 per cubic yard.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance revising the Solid Waste rates be approved on First Reading as presented. A unanimous affirmative vote was recorded.

13. ORDINANCE - APPROVED - FIRST READING - REVISION OF WATER AND SEWER TAP FEES

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance revising the Water and Sewer tap fees.

City Manager Maclin stated that this does not raise the base water and sewer rates; however, Council has reiterated from time to time that they would like for the Enterprise Fund services to be self-sustaining. City Manager Maclin stated that on the Council table was an updated version of the Ordinance in the packet that reflects a proposed increase in water and sewer tap fees that either is our actual costs or coincides with the average of these fees and services as shown on the survey from others cities shown in the Council packet (including Nacogdoches, Huntsville, Conroe and Longview).

Kenneth Williams, Public Works Director, stated that included in the Council packet is information on the proposed revision in water and sewer tap fee rates, and a spread sheet with a cost analysis fees vs actual cost the City is actually incurring for sewer and water taps. Mr. Williams stated that the cost sheets reflect that the current fees are considerably lower than the actual cost for installation. Mr. Williams stated that the next page is a survey of other cities costs, and the City of

Lufkin is considerably lower than these cities average wise. Mr. Williams stated that staff is wanting to get the fees more in line with the actual costs to the City.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that First Reading of an Ordinance revising the water and sewer tap fees be approved as presented. A unanimous affirmative vote was recorded.

14. REVISION OF EMS RATES

Mayor Bronaugh stated that the next item for consideration was the revision of the EMS rates.

City Manager Maclin stated that included in the Council packet is a memo from the Fire Chief along with a Base Rate Survey for both emergency and non-emergency service. City Manager Maclin stated that the survey includes Marshall, Edgewood, Frankston, Gladewater, Henderson, Houston County, Longview, Lufkin, Mineola, Panola County, Rusk, Smith County, Texarkana, Troup/Arp, Lufkin/Center, Nacogdoches, and Livingston depending on whether it is Gaddy's or Nacogdoches EMS that is providing the service. City Manager Maclin stated that as previously discussed at the budget retreat and the budget draft presentation, staff felt that the timing was appropriate to consider raising the base rate in the City from \$175 to \$250 per call. City Manager Maclin stated that the Medicare/Medicaid reimbursement rate is predicated on an average of the area, and the average in the area is much higher than what Lufkin is charging, and the City is actually missing out on some potential reimbursement. City Manager Maclin stated that the senior citizens who are on Medicare and those indigents who are on Medicaid would not be impacted by this rate increase, it would just provide additional funding from those sources to the City for reimbursement. City Manager Maclin stated that in comparison with other cities this rate increase is not excessive, in fact, will still be below the average not only in the base rate for emergency and non-emergency, but with minor exceptions, cost per mile. City Manager Maclin stated that the last rate increase was a little over four years ago.

City Manager Maclin stated that on the Council table is some information that reflects how these fees were estimated and what the increase would be in revenues.

Councilmember Simond stated that he was in agreement for the rate increase but thought it was injudicious of someone who said that the City could use this increase to build the new fire station. Councilmember Simond stated that this could have been a misprint, and he did not think that this statement would make a good selling point.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Jack Gorden, Jr. that revision of the EMS rates from \$175 per call to \$250 per call be approved as presented.

Councilmember Bowman stated that he agreed with Mr. Simond on the comment of building the fire station on the backs of people who get carried in ambulances; this was not very judicious and he hoped that we would stop using that statement.

Mayor Bronaugh stated that there was a misprint in the newspaper regarding the figures, and also a misunderstanding of the increase also.

Councilmember Weems stated that he would like for Chief Prewitt to come forward and explain the difference in the newspaper article this morning about the 10,000 EMS calls times. Chief Prewitt stated that he had explained to Doug Criss (Lufkin News reporter) yesterday that the Fire Department's overall anticipated call volume this year would be approximately 10,000. Chief Prewitt stated that of those 10,000 calls approximately 30% occurred in the City, which amounted to 1,347 calls this previous year. Chief Prewitt stated that 1,347 times \$75 (the proposed increase)

would generate \$101,000; \$101,000 times the collection rate for the emergency division, which is about 50%) would gain \$50,000 within the emergency division. Chief Prewitt stated that within the routine division, using the same formula, the Fire Department would receive approximately \$105,000 based on the 1996 call volume.

Chief Prewitt stated that he would like to apologize for anything that might seem inappropriate in the newspaper article. Chief Prewitt stated that he did tell the newspaper reporter that it was part of his proposal during this budget session that an increase in revenues (should they be approved) be allocated toward a new fire station. Chief Prewitt stated that it was his personal belief that costs for things like a fire station, which does include ambulance work, should be incurred by the end user, which is the patient. Chief Prewitt stated that the Fire Stations do a lot more than just EMS work, so if his comment to the paper were anywhere near being inappropriate, he would apologize.

Chief Prewitt stated that the Department would generate approximately \$155,000 based on the 1996 call volume rate should Council approve this request tonight. Chief Prewitt stated that this figure will increase in the future.

A unanimous affirmative vote was recorded.

Councilmember Simond complimented Chief Prewitt on the excellent job he is doing for the Fire Department.

15. BID - APPROVED - FUEL AND LUBRICANT CONTRACT - POLK OIL CO.

Mayor Bronaugh stated that the next item for consideration was bids for the fuel and lubricant contract.

City Manager Maclin stated that included in the Council packet is the bid tabulation for both the rolling stock and the fuel and lubricant bulk delivery. Three bids were received on the rolling stock and staff only received one bid on the fuel and lubricant. City Manager Maclin stated that in both cases the low bid is from Polk Oil Company. City Manager Maclin stated that predicated on the predetermined gallon estimate (quantity estimate), the estimated total bid is \$188,806 for the rolling stock fuel and \$25,220.30 for the fuel and lubricant bulk delivery. City Manager Maclin stated that it is staff's recommendation to go with the low bid of Polk Oil Company.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the bid of Polk Oil Company for both the fuel and lubricant bulk delivery and the fuel for rolling stock be approved as submitted. A unanimous affirmative vote was recorded.

16. BID - TABLED - PHASE I CONSTRUCTION - TULANE DRIVE

Mayor Bronaugh stated that the next item for consideration was bids for Phase I of the construction on Tulane Drive.

City Manager Maclin stated that staff had discussed with Council some time back about the potential phasing of the Tulane Drive construction project for purposes of being able to start and move forward with the area where the property acquisition had been completed. City Manager Maclin stated that by putting in the smaller units it could possibly attract additional bidders who might not be able to get the bonding for a multi-million dollar contract. City Manager Maclin stated that Phase I has been advertised.

Philip Goodwin, Project Engineer, stated that this project is Phase I of Tulane and is a short section of Tulane that runs in a north/south direction between Loop 287 and Harmony Hill Drive. Mr. Goodwin stated that an additional reason for bidding it out early was that all of the acquisition was completed in this area. Mr. Goodwin

stated that three separate pavement options were bid and the first option was reenforced concrete pavement and came in at \$325,931.44; option two was an asphaltic pavement with a limestone base and came in at \$289,256.34; and, option three was a full depth asphalt and the low price on it was \$325,975.36. Mr. Goodwin stated that there was an additive alternate for sidewalks on one side of the street and it came in at \$29,058. Mr. Goodwin stated that in all cases Timberline Construction of Lufkin is the low bidder.

City Manager Maclin stated that one question that had been asked of him by multiple Councilmembers was if we have the option, and was there potential benefit to reject all bids and rebid the entire Tulane project as one project rather than the phasing. City Manager Maclin stated that only two bids were received and we were not able to accomplish what we had hoped to accomplish with a smaller contract by attracting multiple additional bidders. City Manager Maclin stated that Council does have the option, the way this project was bid, to reject all bids and then come back in approximately four months, depending upon some property acquisition and utility relocation, and rebid the entire project with all three phases together. City Manager Maclin stated that one local contractor had been questioned as to his opinion that if we did that it would lower our bids from our current cost per foot of this section, and it was his opinion, that we would gain better economies of scale, and some theoretical overhead cost reduction. City Manager Maclin stated that of the four bond streets, Tulane has the greatest linear footage of any of the four streets.

In response to question by Councilmember Bowman, City Manager Maclin stated that rebidding Tulane would delay the start of the project a minimum of four months. City Manager Maclin stated that staff could instruct the contractor to bid Phase I first so that we do not hinder development in that area, which is something to be considered.

Mayor Bronaugh asked if the bidding process could take place without securing all of the right-of-way acquisition. City Manager Maclin stated that this is not normally a wise practice, because if you have to condemn any of the right-of-way, the proceedings can take as long as 60 days. City Manager Maclin stated that a Notice to Proceed cannot be issued until all of the right-of-way is secured, deed and title obtained and utilities relocated from the right-of-way. City Manager Maclin stated that in Phase III there are some additional utility considerations to take into account and Phase III has more new construction. City Manager Maclin stated that Phase III of Tulane is the only one of the four bond streets that actually has new construction. City Manager Maclin stated that means we are not going over an existing street right-of-way; the realignment as Council approved approximately 24 months ago does call for a straightening to maintain a parallel distance from U. S. 59 so that it will be moved to the east and not be right behind the Forest Service as it is now, but right in that curve it will straighten out and then align with David Street. City Manager Maclin stated that there will actually be several hundred feet of new construction in that area. There will also be some additional storm sewer and drainage considerations that have to be addressed in Phase III that are not a part of Phase II; there are some drainage structures in Phase I also.

Councilmember Weems asked if there would be any problem if this was tabled until next meeting. City Manager Maclin stated that the bid is good for 75 days.

In response to question by Councilmember Bowman, City Manager Maclin stated that he did not see the City receiving any bids on Phase II and Phase II until late October, best case scenario.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Percy Simond that this item be tabled until the next Council meeting, September 2.

The following vote was recorded:

Aye: Councilmembers Weems, Simond, Gorden, Jones, Mayor Bronaugh
Nay: Councilmember Bowman

Motion carried with five affirmative votes.

17. EXECUTIVE SESSION

Regular Session was recessed at 6:00 p. m. to enter into Executive Session. Regular Session reconvened at 6:29 p. m. and Mayor Bronaugh stated that legal matters had been discussed and no decisions were made.

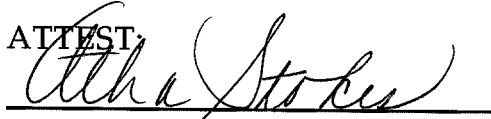
18. COMMENTS

Mayor Bronaugh stated that the DETCOG meeting will be held next Thursday in Trinity. Mayor Bronaugh stated that this Sunday afternoon at 1:30 p.m. there will be a ribbon cutting and a ground breaking at the Ellen Trout Zoo.

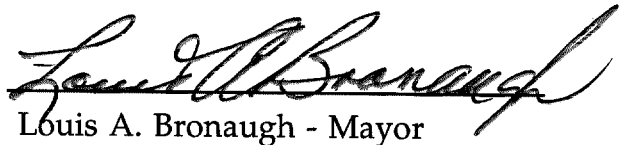
City Manager Maclin stated that he appreciated Council's participation in the budget process.

19. There being no further business for consideration, meeting adjourned at 6:30 p.m.

ATTEST:



Atha Stokes - City Secretary


Louis A. Bronaugh - Mayor