

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
6TH DAY OF MAY, 1997 AT 5:00 P. M.**

On the 6th day of May, 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	Mayor
Don Boyd	Mayor pro tem
Percy Simond	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth R. Williams	Public Works Director

being present when the following business was transacted.

1. Meeting was opened with prayer by Dr. Robert Schomp, Minister, First Christian Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of April 15, 1997 be approved as presented. A unanimous affirmative vote was recorded.

4. **OATH OF OFFICE - MAYOR - COUNCILMEMBERS WARDS 2 AND 4**

Judge David Walker administered the Oath of Office to Mayor Louis Bronaugh and to Councilmember Don Boyd, Ward 2, and Councilmember Bob Bowman, Ward 4.

5. **ELECTION OF MAYOR PRO TEM**

Mayor Bronaugh stated that the first item for consideration was the election of the Mayor pro tem. Mayor Bronaugh stated that Don Boyd has been the Mayor pro tem for nine years and has done an excellent job. Mayor Bronaugh stated that Lufkin is one of the few cities that recognize the Mayor pro tem as the councilmember with the most tenure. Mayor Bronaugh stated that Don Boyd has served with distinction on this Council for 18 years. Mayor Bronaugh stated that the City Charter states that each year the Council will elect a Mayor pro tem and Council has always gone along with the Councilmember with the most tenure. Mayor Bronaugh stated that he wanted to consider tonight the possibility of rotating the Mayor pro tem's job from one Councilmember to the next so that there will be a new Mayor pro tem each year, and will give each Councilmember a chance to serve. Mayor Bronaugh stated that this does not mean that a Councilmember has to serve, but can if it is his/her time to serve.

Councilmember Boyd stated that when Mayor Bronaugh first came on the Council he replaced the Mayor pro tem, who was at that time Ed Wareing. Councilmember Boyd stated that when that position became available, he (Mr. Boyd) was nominated by Councilmember Lynn Malone and it was stated to him that the policy is the

oldest member in tenure will serve as Mayor pro tem. Councilmember Boyd stated that Pitser Garrison was Mayor, and he withdrew his name from nomination and let Pat Foley serve as Mayor pro tem. Councilmember Boyd stated that he made the statement that when his time comes he wanted to serve in this capacity. Councilmember Boyd stated that this is his time and he has been serving as Mayor pro tem, and asked "why change in the middle of the stream?" Councilmember Boyd stated that when his term is up, then Council can do something. Councilmember Boyd stated that the Mayor, when he was elected, told him that he had an idea that this needed to be changed. Councilmember Boyd stated that he asked the Mayor if he remembered what he had promised, and he said that since he (Mr. Boyd) was the oldest member he could continue to serve as long as he held office. Mayor Bronaugh stated that for nine years he has supported what he had promised. Councilmember Boyd asked "Why change now?"

Mayor Bronaugh stated that he thought it would be good if he and Councilmember Boyd make this decision before they are both gone from office and put it on a year to year basis for the Mayor pro tem and pass it around.

Councilmember Bowman stated that a fair way to do this would be to start with Ward 1 and rotate through all wards. Councilmember Simond stated that the next tenured person does not want to be Mayor pro tem.

Mayor Bronaugh read from Article III - Section 8 of the Charter: The Council shall by election designate one of its members as mayor pro tem who shall serve in such capacity during the pleasure of the Council. Mayor Bronaugh stated that Council could select a mayor pro tem any way they wanted to. Councilmember Gorden stated that he appreciated the job that Mr. Boyd has done, but would like to see the Council go to a rotation. Councilmember Gorden stated that Council has not been doing what the Charter says, and even if they elected the same person every year, he would like to see a rotation.

Councilmember Jones stated that being the newest Councilmember she was not aware of how the system worked, but she did not have a preference. Councilmember Jones stated that the Charter does say "elect" and that would not preclude the Council from electing the same person for more than one term. Councilmember Boyd stated that that has been in the Charter for years. Councilmember Boyd stated that it appears to him that he is being struck down because he has been here too long. Councilmember Boyd asked if the Mayor was trying to tell him not to run again.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Percy Simond that Don Boyd be elected to the office of Mayor pro tem for 1997-'98. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that Council will consider the election of a Mayor pro tem each year from now on.

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - APARTMENT TO MANUFACTURED DWELLING DISTRICT - LOTS 1 THRU 5 - LOTS 16 THRU 18 - LOTUS LANE VILLAGE ADDITION - LOTUS LANE - GERALDINE BRADFORD - FRED WALKER

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Zone Change from "A" Apartment to "MD" Manufactured Dwelling District on lots 1 through 5 and lots 16 through 18 of the Lotus Lane Village Addition generally located at 2902 through 2706 and 2402 through 2300 Lotus Lane as requested by Geraldine Bradford on behalf of Fred Walker.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance for zone change from "A" Apartment to "MD" Manufactured Dwelling District on lots 1 through 5 and lots 16 through 18 of the

Lotus Lane Village Addition generally located at 2902 through 2706 and 2402 through 2300 Lotus Lane as requested by Geraldine Bradford on behalf of Fred Walker be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL MEDIUM SINGLE FAMILY TO APARTMENT - 1012 KURTH DRIVE - MALCOLM MCKINLEY

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a zone change from "RM" Residential Medium Single Family to "A" Apartment on property located at 1012 Kurth Drive between Sayers and Lakeview Streets as requested by Malcolm McKinley on behalf of Virginia Lewis.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance for zone change from Residential Medium Single Family to Apartment on property located at 1012 Kurth Drive between Sayers and Lakeview Streets as requested by Malcolm McKinley on behalf of Virginia Lewis be approved on Second and Final Reading as presented. A unanimous vote was recorded.

8. ORDINANCE - APPROVED - SECOND READING - TEXAS MUNICIPAL RETIREMENT SYSTEM - RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance authorizing and allowing under the Act governing the Texas Municipal Retirement System restricted prior service credit to employees who are members of the system for service previously performed for various other public entities for which they have not received credited service; and establishing an effective date for the Ordinance.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance authorizing and allowing under the Act governing the Texas Municipal Retirement System restricted prior service credit to employees who are members of the system for service previously performed for various other public entities for which they have not received credited service be approved on Second and Final Reading as presented, and establishing May 7, 1997 as the effective date. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - LOCAL BUSINESS - DAY CARE CENTER - 910 E. DENMAN AVENUE

Mayor Bronaugh stated that the next item for consideration was the request of Candi Rhodes on behalf of Irwin McWilliams to grant a special use permit on property zoned "LB" Local Business to allow for a day care center located at 910 E. Denman Avenue.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department, a map of the location, and the recommendation from the Planning and Zoning Commission. City Manager Maclin stated that the recommendation of the Planning and Zoning Commission, by unanimous vote, was approval of this Special Use Permit with five conditions: (1) There shall be a minimum of six parking spaces provided for pick up and drop off; (2) There shall be no more than 24 children at any one time; (3) There shall be one sign permitted as indicated on the site plan; (4) The maximum size of the sign shall be 24 square feet and shall not be taller than six feet from ground elevation; and (5) Any existing holes in the pavement shall be repaired prior to the issuance of a certificate of occupancy to allow for safer ingress and egress.

Ms. Rhodes was present and stated that she was requesting a group home day care

center, and would be happy to answer any questions.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Ordinance to grant a Special Use Permit on property zoned "LB" Local Business to allow for a day care center located at 910 E. Denman Avenue be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCES - APPROVED - ANNEXATION - ZONING CLASSIFICATION - WHITE HOUSE DRIVE - BRENTWOOD DRIVE - CHESTNUT STREET (HIGHWAY 58)

Mayor Bronaugh stated that the next item for consideration was the annexation and appropriate zoning classification for approximately 418 acres of land generally located south of White House Drive north and east of Brentwood Drive and west of Chestnut Street (Highway 59).

City Manager Maclin stated that included in the Council packet is a map delineating in color the zone classifications that are being recommended by the Planning & Zoning Commission. City Manager Maclin stated that of the 418 acres, the bulk of it is Residential Large. City Manager Maclin stated that the northwest corner of the area would be zoned Local Business, where there are a couple of existing businesses already, with Commercial zoning across the street. City Manager Maclin stated that according to information he received from the Planning & Zoning meeting and the Planning Director, there was no opposition to the zone classifications as presented.

In response to question by Councilmember Weems, Mr. Abraham stated that a few people were present at the Planning & Zoning Commission meeting and spoke on the zoning and none of them voiced any opposition. Mr. Abraham stated that there was one question from a property owner and, in his opinion, the question was answered to his satisfaction. Mr. Abraham stated that the resident was told that the Planning Department was not saying that the property would stay residential from now on, but would entertain any appropriate zoning request in the future.

Charles Perry stated that he was at the Planning & Zoning meeting and he wanted to say that the approval from the residents was not to be construed as approval for the annexation.

Mrs. Judy Perry came forward for clarification of a statement made by the Mayor.

Joe Molandes stated that he resided on Brentwood across from the Arrangement Apartments. Mr. Molandes stated that he had been residing in this area for 37 years and it had always been a residential area. Mr. Molandes stated that the area that he lives in had been included in the Local Business designation and he had asked that his property be left residential. Mayor Bronaugh stated that no one voiced this request at the Planning & Zoning Commission meeting. Mr. Molandes stated that he had missed the last meeting. Mayor Bronaugh asked that Mr. Molandes get together with Mr. Abraham after the meeting and discuss his request.

Councilmember Bowman stated that, in his opinion, it needed to be clarified that even though a residents house is located in the Local Business zoning classification it did not mean that he had to move. City Manager Maclin stated that this would just broaden the uses of the property.

Mr. Abraham stated that the reason the Planning Department came up with the recommendations that they did is that there is a diagonal piece of property cutting across where the TU Electric substation and high line are located that created a good physical barrier to stop at that location. Mr. Abraham stated that the restaurants (Golden Corral and Burger King), the Arrangement Apartments and the school are zoned Commercial. Mr. Abraham stated that at the last Planning & Zoning Commission meeting there was opposition expressed towards the annexation even

though this meeting was for the zoning classification designation.

Dr. Bob Anderson stated that one thing that was not brought up in the Public Hearings for the annexation is the fact that all lands across the road from the majority of the homeowners who are being considered for annexation will not be City-annexed, which gives the homeowners no protection from non-approved City uses, such as a junk yard, etc.

Mr. Perry stated that it was insinuated that the homeowners would receive ambulance service and fire protection at no cost by not paying City taxes, and he wanted to say that that was not true because homeowners pay County taxes, and the County pays the City over \$100,000 for ambulance service. Mr. Perry stated that as residents of the County they are charged \$275 to ride in an ambulance if they need it. Mr. Perry stated that the Lufkin Fire Department does not come out in the County unless they are called by the volunteer fire department. Mr. Perry stated that he wanted to make it clear that they do not receive these services free. Councilmember Boyd stated that the City does send out one unit and a rescue truck on fire calls for property within the City's ETJ.

In response to statement by Mr. Perry, City Manager Maclin stated that the City does not charge for fire calls but does have a flat rate for ambulance calls within the City limits of \$175, and outside the City limits of \$250.

Rick Jacobs stated that in all the meetings he has attended regarding the annexation, no one had ever given him a legitimate reason why the City feels like this property needs to be annexed. City Manager Maclin stated that it has been discussed at Public Hearings and in the newspaper the fact that this area is surrounded by the City limits on three sides already. City Manager Maclin stated that currently the people on the south side of White House and the west side of Karen and the east side of Brentwood down to Crown Colony do not have any protection of what would take place on those properties outside the City limits. City Manager Maclin stated that there are no restrictions in terms of zoning classifications in the County. City Manager Maclin stated that the other concern primarily involves one of a sanitary nature. City Manager Maclin stated that septic systems involve risks and those risks are infiltration of the City's drinking water supply, and according to the Health Department by going to sanitary sewer you reduce those risks, and you improve the potential for good, clean, safe water. City Manager Maclin stated that with septic systems there are malfunctions, and this area in particular has a lot of clay and problems with permeation. City Manager Maclin stated that looking at the U. S. Geological Survey map at this 418 acres that in all reality all the septic systems that are there now probably cannot meet those rigid standards, even though they have been approved by the City/County Health Department predicated on the soil types that are there in the area. City Manager Maclin stated that based on all of those factors, the sanitary health concerns of the City as a whole, the fact that the City already surrounds it on three sides, and to be able to protect the citizens in terms of other future businesses or industries that may go in there, were several of the reasons that were considered. Mr. Jacobs stated that in reference to the sanitary sewer system, there are only so many dwellings in that area that are sanitary problems. City Manager Maclin stated that there is nothing to prevent one of the homeowners from selling and subdividing their property and proliferating the problem. Mr. Jacobs stated that over the past five years there have only been two dwellings built in this area that is being considered for annexation. Mr. Jacobs stated that, in his opinion, there are a lot of other areas that are similar to this situation that have a whole lot more families that live there and have more of a sewage problem with trailer houses, a very populated area around the City limits. City Manager Maclin stated that at this time he cannot think of any area that is surrounding on three side by the City limits. Mr. Jacobs asked why the property that Dr. Anderson had spoken of was not included in the annexation. City Manager Maclin stated that it could be considered in the future, but Brentwood seemed to be a very natural, logical boundary for the present time.

Mayor Bronaugh stated that because the City cannot annex around this piece of property and make an island out of it, that means that a certain amount of growth to the south has now been cut off.

Councilmember Boyd asked how long the City has to provide services to this area. City Manager Maclin stated that the City has 4 1/2 years, and in some cases, the City can provide services immediately. City Manager Maclin stated that the only thing the homeowners will be responsible for is the service line from the City's main that is at their property line back to their home. City Manager Maclin stated the homeowners already have City water service. City Manager Maclin stated that police protection would begin as soon as the annexation is officially completed. If it is approved on Second Reading, a letter will be sent to the Department of Justice, which will normally take 60 days for a response. City Manager Maclin stated that it will not actually appear on the tax role until the end of this calendar year, and would technically be on the tax role as of January 1, 1998. Residents would not receive a tax notice until October, 1998, which is not due until February, 1999 without penalty

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Ordinances for the annexation of approximately 418 acres of land generally located south of White House Drive north and east of Brentwood Drive and west of Chestnut Street (Highway 58) be approved on First Reading as presented and that the Ordinance for the appropriate zoning classification (Residential Large and Local Business) be approved on First Reading as presented.

The following vote was recorded:

Aye: Councilmembers Bowman, Jones, Gorden, Boyd, Simond and Mayor Bronaugh

Nay: Councilmember Weems

Mayor Bronaugh stated that motion carried on a 6 to 1 vote.

11. ORDINANCE - APPROVED - SPEED LIMIT - NORTH LOOP 287 - US 69 NORTH - TXDOT

Mayor Bronaugh stated that the next item for consideration was an Ordinance to lower the speed limit on North Loop 287 and U. S. 69 North as requested by TxDOT.

City Manager Maclin stated that included in the Council packet is a letter from the area Engineer from the Lufkin District, Cheryl Flood, requesting some speed zone changes on U S 69 (north) from the City limit along Loop 287 to FM 2251; on Loop 287 from SH 103 (west) to US 69 (north); and on Kurth Drive from Loop 287 to McMullen Street. City Manager Maclin stated that basically the purpose of this Ordinance and their request is to reduce the speed limit to 40 mph. City Manager Maclin stated that they will be going to bid in July for this multi-grade crossing overpass. City Manager Maclin stated that he has visited with Ms. Flood and requested that someone from the District come and make a presentation and explain briefly an overview of how his facility will be designed so that the City Council will be aware, prior to this going to bid, their proposed design of how they are going to put the grades and where the traffic is going to go southbound on 69 and northbound on the Loop. City Manager Maclin stated that he had requested this presentation for the first meeting in June.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance lowering the speed limit on North Loop 287 and U. S. 69 North as requested by TxDOT be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. APPOINTMENTS - APPROVED - DEEP EAST TEXAS COUNCIL OF GOVERNMENTS

Mayor Bronaugh stated that the next item for consideration was appointments to the Deep East Texas Council of Governments.

Mayor Bronaugh stated that the Councilmembers who are presently serving in this capacity are Jack Gorden, Don Boyd, Tucker Weems and himself.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Percy Simond that Jack Gorden, Don Boyd, Tucker Weems and Mayor Bronaugh be re-appointed to the Deep East Texas Council of Governments as the City of Lufkin's representatives. A unanimous affirmative vote was recorded.

13. BIDS - APPROVED - WATER LINE IMPROVEMENTS - WEBBER STREET - EAST TEXAS CONSTRUCTION COMPANY

Mayor Bronaugh stated that the next item for consideration was to award the bid for water line improvements on Webber Street.

City Manager Maclin stated that this is part of the City's expansion project for our EDA and Texas Capital Fund to aid the expansion of Pilgrim's Pride, and the first phase of the infrastructure improvements will be installing a water line. City Manager Maclin stated that included in the Council packet is a letter of recommendation from Pat Oates of Goodwin-Lasiter, along with a bid tabulation. (Eight bids were received on the project.) City Manager Maclin stated that the recommendation is to award the low bid of East Texas Construction Company in the amount of \$171,429, which is within engineer's estimates. City Manager Maclin stated staff had also received a letter from the EDA approving this low bidder as an acceptable bidder under EDA rules.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that bid of East Texas Construction Company in the amount of \$171,429 be approved as submitted. A unanimous affirmative vote was recorded.

14. SERVICE CONTRACT - APPROVED - WATER AND SEWER - ANGELINA FRESH WATER DISTRICT - ANRA

Mayor Bronaugh stated that the next item for consideration was a service contract for water and sewer for the Angelina Fresh Water District.

City Manager Maclin stated that included in the Council packet is a service contract document that the City staff and Mr. Neighbors have been working on the past couple of months. City Manager Maclin stated that there is also a letter from Mr. Neighbors requesting some additional considerations to the contract. City Manager Maclin stated that the only item that he would indicate is on page 3, the compensation of payment; Mr. Neighbors had requested 1 1/4 times the rate charged to City customers as opposed to 1 1/2 by Ordinance. City Manager Maclin stated that in his letter he requested 60 days notice for rate increase; our contract called for 30 but he thinks he needs the additional time to get word to his customers, which are the residents of Cedar Grove on the Angelina Fresh Water District. City Manager Maclin stated that Mr. Neighbors is also requesting a 10 year contract with a 10 year option; currently it provides for a 5 year contract with a 5 year option. City Manager Maclin stated that Mr. Neighbors requests are predicated on his desires from a long term contract standpoint with the Texas Water Development Board whenever they go to seek a low interest loan from the Texas Water Development Board one of the things that the TWDB looks at is the length of the contract for provision of treated water. City Manager Maclin stated that Mr. Neighbors believes that a long term contract will be better for their capital improvements program. City Manager Maclin stated that technically the original contract with Angelina

Fresh Water District in terms of provision of water service is somewhat indefinite.

Mayor Bronaugh stated that the City has worked closely with members of the Angelina Fresh Water District and has helped them with engineering problems, etc. Mayor Bronaugh stated that now that the ANRA has agreed to work with the Angelina Fresh Water District it will be best for them in the long run as well as the City.

City Manager Maclin stated that this is an agreed upon contract that has gone to the Board of Directors of the Angelina Fresh Water District, and Mr. Henderson and Mr. Johnson have been the managers and caretakers of the system for decades. City Manager Maclin stated that these gentlemen are seeking relief from providing the day-to-day operation and supervision. City Manager Maclin stated that their Board has approved an agreement to retain ANRA to provide that day-to-day operation and management. City Manager Maclin stated that ANRA would not own the system at this time, because they still have some debt to HUD that will cause them to continue to retain the Angelina Fresh Water District and its taxing authority for repayment of the debt.

Councilmember Bowman asked about the rate which was listed on page 4. City Manager Maclin stated that the requested rate was 1 1/4. Councilmember Bowman stated that he would have a problem with a rate of 1 1/4 since the other customers outside the City are paying 1 1/2; in his opinion, everyone needs to pay the same rate. Councilmember Bowman stated that he would not like the precedent the City would set with a different rate, and how to explain that to the other customers that we made a difference in a standard procedure, deviating from 1 1/2 times. Mayor Bronaugh stated that this is a contract with ANRA and is not a contract with the water district. Mayor Bronaugh stated that the Angelina Fresh Water Districts rate are some of the highest in the area. Mayor Bronaugh stated that to help them to get back on their feet and keep the rates within that which would be affordable, the 1/14 rate is certainly important. Mayor Bronaugh stated that he did not feel that the City would be setting a precedent with water districts, because this is a management situation.

Councilmember Gorden stated that he had some of the same concerns as Councilmember Bowman. Councilmember Gorden stated that if Council feels like we need to do this then he would suggest that some type of limitation should be put on the time frame related to this if we are trying to help with their debt service. City Manager Maclin stated that by going with 1 1/4's times the rate it enables them to have an allocation within their rate structure to help offset the debt without having a substantial increase in what they are currently paying. In response to question by Councilmember Bowman as to what kind of time frame they are looking at to get the district on its own feet, City Manager Maclin stated that if he were Gary Neighbors he would probably answer that question as 10 years, which is predicated on visiting with him for two months.

Mayor Bronaugh stated that his concern is that with the 1 1/2 rate it would increase the rate the people are currently paying and they already have the highest rate in the area for water.

City Manager Maclin stated that ANRA's fee has to be added in so that they can pay their payroll and their personnel, and then there is still the significant debt to HUD.

In response to question by Councilmember Gorden, City Manager Maclin stated that there was no other contract such as the Angelina Fresh Water District, and he did not know why the Council, 35 years ago, made a contract like this. City Manager Maclin stated that there is no other customer where the City also takes their sewer - this is a combination water and sewer contract. City Manager Maclin stated the other contract with water districts are only for drought emergency situations. City Manager Maclin stated that the City of Lufkin is the primary supplier of Burke, and a supplemental supplier to Huntington. City Manager Maclin stated that the City

has had a contingency agreement with Central Water District for many years, and they have never exercised it.

In response to question by Councilmember Bowman, City Manager Maclin stated that if this contract is approved the 1 1/4 rate will not be a reduction to the Angelina Fresh Water District customer because of the ANRA management fee.

City Manager Maclin stated that there is no other entity in Angelina County that has a 35 year contract like the City has with Angelina Fresh Water District. In response to question by Mayor Bronaugh, City Manager Maclin stated that at one time the Angelina Fresh Water District customers were charged the same rate as City of Lufkin residents for both water and sewer, but have been charged 1 1/2 the rate for about two years now.

Councilmember Weems stated that he would like for this item to be tabled and for staff to get the figures in regard to what the total dollars on 1 1/2 and 1 1/4 would amount to for one year.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that service contract for water and sewer for the Angelina Fresh Water District be tabled until next meeting. A unanimous affirmative vote was recorded.

15. **BID - APPROVED - STREET IMPROVEMENTS - MLK DRIVE**

Mayor Bronaugh stated that the next item for consideration was award of bids for street improvements on MLK Drive.

City Manager Maclin stated that included in the Council packet is a letter of recommendation from the project engineer, Lynn Brown of East Texas Engineering, and copies of the bid tabulations. City Manager Maclin stated that two bids had been received on concrete and one bid on asphalt. City Manager Maclin stated that also included is a spreadsheet for all four of the bond streets. City Manager Maclin stated that at the bottom of the spreadsheet is a total of bond money interest earned off of the original \$8,650,000 that was issued at \$543,035 for a total of \$9,193,035. City Manager Maclin stated that by the time the contracts are completed we will have earned about another \$200,000 in interest. City Manager Maclin stated that if future earnings interest are added then you can raise the total funds by approximately \$200,000 and therefore reduce the deficit as shown for MLK and Tulane under a concrete scenario and a hot mix scenario by about \$200,000 based on future interest earnings. City Manager Maclin stated that most of these earnings will come from the Flex-repo that was purchased a few months back, which has an 18 month maturity and will produce another \$200,000 yet to be received. City Manager Maclin stated that when all of these numbers are added together you have an understanding of what the status is of each of the street projects. City Manager Maclin stated that you have cost estimates based out on the budget, contracted costs, projected costs, and remaining funds for all four of the streets. City Manager Maclin stated that the next sheet is a bid analysis that compares the three streets that we have prices on, the fourth street with the engineer's estimate, and a comparison between asphalt and concrete, and a difference percentage wise, and also the cost per foot for asphalt and concrete.

City Manager Maclin stated that the only recommendation that staff will have is to exercise the option on page one of his letter to add the sidewalks along the west side of MLK Drive from Kurth Drive down to Abney at an add-on cost of \$47,250. City Manager Maclin stated that the base bid of both the asphalt and concrete bid includes sidewalks from Pinewood Park Apartments south to Dunbar, Jones Park and down to Kurth. City Manager Maclin stated that if Council goes with the recommendation of adding the \$47,250 alternate, there will be a concrete sidewalk from Pinewood Apartments south all the way to Abney.

City Manager Maclin stated that the City Secretary had, at his request, pulled up the tape from the February, 1995 meeting when all of the consultant/engineers were asked to give an update on the four streets. City Manager Maclin stated that at that time there was discussion about bid specifications that would produce a 20-year life street, whether it be concrete or asphalt.

Mr. Brown stated that he was asked to design two alternates for paving MLK Drive, an asphalt alternate and a concrete alternate. Mr. Brown stated that these were to be designed in such a way as to have comparable low care and capability. Mr. Brown stated that the two options that he offered for contractors to bid on, are to the best of his ability, each capable of carrying the loads that are expected to be on MLK Drive. Mr. Brown stated that the specifications he prepared for the contractors to develop their bids from are based primarily on TxDOT standards for these types of pavements. Mr. Brown stated that he considered the prices that came in to be very good prices for the paving of the street. Mr. Brown stated that there was a significant difference between the asphalt and the concrete, as he stated in his letter. Mr. Brown stated that the difference in what he considers to be two equal alternates left him as an engineer, the simple recommendation of saying that if there are two bids that are considered to be equal with a cheaper price on one of the options, his recommendation would be to take the cheaper bid.

City Manager Maclin stated that because this is the first full-depth asphalt street the City of Lufkin has bid, it would be appropriate for Mr. Jacobs to give an overview of the difference in full-depth asphalt, and what that means, and what that translates to for the life of the street.

Mr. Jacobs stated that he owns Pickett-Jacobs Consultants, and was retained by East Texas Engineering to actually design the pavement structure for MLK. Mr. Jacobs stated that he had obtained traffic loading estimates with 20 year life and that was what determined the two alternatives - full depth hot mix and concrete. Mr. Jacobs stated that both were designed using half million equivalent single 18 kip axle loads. Mr. Jacobs stated that both materials would have the same life expectancy, and same maintenance costs, etc. Mr. Jacobs stated that the design was based on national criteria, the American Society of Testing Materials, Asphalt Institute, Fordham-Smith concrete. Mr. Jacobs stated that he had performed extensive soil borings out in the area to determine soil types, and did extensive soil testings to determine the bearing capacity of the soil to do the design by. Mr. Jacobs stated that full depth hot mix is hot mix from top to bottom. Mr. Jacobs stated that in the past people have used hot oil sand for base and hot mix on top, and that is not what this is, this is full strength hot mix from top to bottom, and is a far superior product as far as what has been used in the past. Mr. Jacobs stated that he has worked with the City of Huntsville and they have used full depth hot mix for several years with success. Mr. Jacobs stated that his firm had designed a street bond improvement program for Huntsville using the hot mix and it worked very well.

In response to question by Councilmember Boyd, Mr. Jacobs stated that the hot mix and concrete had the same life expectancy, but there will be problems with both. Councilmember Boyd stated that there would be a lot of problems with the hot mix. Councilmember Boyd stated that, looking at the bids, he did not know where they came up with these low, low prices on asphalt, whereas before the percentage increase on Feagin was 13.6%, on Paul 4.3%, and 42.8% on MLK. Mr. Jacobs stated that Mr. Boyd would have to talk to Moore Bros. because they are the ones that designed the street. Mr. Jacobs stated that there is more hot mix than there is concrete. Mr. Jacobs stated that he realizes that concrete is stronger than asphalt so in the design methods you have to take that into account. Mr. Jacobs stated that he figures 8 1/2" of asphalt versus a section of concrete. Councilmember Boyd stated that there is a lot of heavy traffic on MLK, and, in his opinion, the street will have to be overlaid in five years with asphalt. Mr. Jacobs stated that this method is being used in many other cities throughout Texas.

In response to question by Councilmember Boyd, City Manager Maclin stated that

hot mix was bid as an alternate for Paul Street, but it was not low bid.

City Manager Maclin stated that whether asphalt or concrete is used, there will be a drainage system with concrete curb and gutter on each side. Mr. Jacobs stated that both materials will have a lime stabilization underneath the pavement. Mr. Jacobs stated that as a professional engineer he would be remiss in designing a street that was not equivalent.

In response to question by Councilmember Boyd, Mr. Jacobs stated that mobilization is the item the contractor uses to move in their equipment and get it set up to begin their project. Mr. Jacobs stated that this a standard item and was in the other street bond projects.

In response to question by Councilmember Boyd, City Manager Maclin stated that the difference in the mobilization of asphalt and concrete is the concrete tolerance requirements will require them to actually rent some equipment from Dallas or Houston, and they already own the equipment needed for asphalt. City Manager Maclin stated that his information is based on conversation with contractors.

Councilmember Simond asked why when acquisition was budgeted at \$64,000 it ended up over a million dollars. Councilmember Simond stated that everybody knew how many houses were on MLK and that five houses needed to be moved, and he did not understand how a professional engineer could be \$1 million dollars off on land acquisition and moving and fixing up houses. Councilmember Simond stated that most of the houses have been there for many, many years and the engineers should have known that the houses would need repairs as a result of being moved.

Mr. Moreau stated that when this was set up, the budget for MLK and all the other streets, there was talk about acquiring a little right-of-way on the side, and when the engineering firm looked at the design of MLK they saw that there were intersections with sight distances that were dangerous. Mr. Moreau stated that whatever speed limit is set on MLK there will be faster traffic than there is currently, so they talked to the City about a new alignment. Mr. Moreau stated that the original \$60,000 estimate was to buy just a couple feet of right-of-way on both sides and not move any houses. Mr. Moreau stated that as an engineer, he came to the City and said that for the safety of the people who live along this street, it needs to be straightened out so that as people come to MLK from a cross street they will be able to look far enough and see oncoming traffic, which will be faster than it is now. Mr. Moreau stated that the million dollars that was spent, in his opinion, was primarily spent for safety. Mr. Moreau stated that the curb down at the south end at Kurth was straightened out as much as possible, so people could see what was on Kurth. Mr. Moreau stated that further on up at Davis Street there is a hill and a curve, and the street is actually off-set, and the million dollars that was paid was for the benefit of the citizens and was a safety improvement when additional right-of-way was purchased and the street was straightened out.

Councilmember Simond stated that he was going to drive over to Huntsville and see what a full depth street really is.

In response to question by Councilmember Simond, City Manager Maclin stated that the budget goes back to 1992 when Ron Wesch worked with existing engineering firms to get estimates. City Manager Maclin stated that as Mr. Moreau pointed out those estimates were predicated on just a little additional footage on the existing right-of-way, and as he stated that was what they knew at that time. City Manager Maclin stated that when a professional engineering firm did their studies they saw the need for moving back the street for safety purposes, for right-of-way access, and for visibility at each of the intersections. City Manager Maclin stated that he had asked Sid Medford to be present at tonight's meeting, and he is here to answer any questions Council might have relating to the acquisition costs on MLK. City Manager Maclin stated that also included in the million dollar acquisition costs is

repair for moving houses, the cost of moving the houses, the repairs after the houses were moved, and then the extension of moving the utilities. City Manager Maclin stated that the City has an obligation to put the house back in the same condition they were in when they were moved and to hook up all the utilities. City Manager Maclin stated that the City had two choices - to either buy the property and the home from the property owner or move it back. City Manager Maclin stated that it was in the City's best interest financially to move the houses back as opposed to purchasing the homes and relocating those individuals.

Councilmember Simond stated that someone should have known about this expense beforehand because of the age of the houses. City Manager Maclin stated that when that \$64,000 was established they did not think they were going to have to move any of the houses, it was predicated on just a few feet above what was there now. Councilmember Simond asked how the engineers could think that they wouldn't have to move any of the houses. City Manager Maclin stated that they were not thinking of the things that Mr. Moreau pointed out earlier which is visibility at the intersections, they were just looking at the actual street itself. City Manager Maclin stated that we began in 1992 with a desire for a street bond program, it went to the voters in 1993 and was defeated, then went back to the voters in 1994 and was approved. City Manager Maclin stated that that was five years ago. Councilmember Simond stated that it looks to him as if the staff is making an apology for somebody who made a big mistake in their estimation of what this would cost. Councilmember Simond stated that anyone would know that if you moved one of those houses it would almost fall down. Councilmember Simond stated that anyone who moved the houses would know that they would have a big repair bill on their hands, and that only five houses were moved. In response Sid Medford stated that the City bought five houses outright and there were three houses where the City bought the houses and relocated the families and there were two other houses that the City bought outright and tore down and relocated the renter who lived in the barber shop. Mr. Medford stated that 13 other families were moved. Mr. Medford stated that most of the houses were picked up and back approximately 25' which required that the utilities be cut off. Mr. Medford stated that none of the houses were up to City Code so every time a house was moved back it had to be brought up to City Code before TU would turn the electricity on. In response to question by Councilmember Gorden, Mr. Medford stated that all the houses with the exception of two were owner occupied. Mr. Medford stated that, in his opinion, nobody could have anticipated the costs involved in moving the houses. Mr. Medford stated that sills had to be replaced under the houses and roofs had to be replaced. Councilmember Simond stated that this is a million dollar mistake. Councilmember Simond stated that the City had done a good job in fixing up the houses that were moved. Mr. Medford stated that he had tried to take care of the people to the best of his ability, and that they had all been very cooperative, even when they were relocated during Thanksgiving and Christmas. Mr. Medford stated that there were several times when he wanted to buy a house and relocate the family and Mr. Wesch told him that if the City starts buying these houses where do we stop. Mr. Medford stated that there are State and TxDOT guidelines for relocation.

Councilmember Simond stated that he has been receiving calls from the residents who are complaining about dirt, rocks and trees still in peoples yards. Councilmember Simond stated that these people are concerned about the appearance of their yards and someone from the City needs to drive down these streets and see what is going on. Councilmember Simond stated that he would like for the City Manager to drive down MLK tomorrow and see the dirt piled up and the pieces of pavement stacked up in these peoples yards. City Manager Maclin stated that he had driven MLK this morning and several times during the process of construction. City Manager Maclin stated that there has been sewer line replacement, gas line replacement and other utilities that have had to be dealt with. City Manager Maclin stated that about the time you get through with one, you have another one. City Manager Maclin stated that there is no question that the public has been inconvenienced on that street and the City is doing the same thing on Paul

Street and will do the same thing on Tulane until the construction is complete. City Manager Maclin stated that once you start construction activity you have to wait until everything is finished. City Manager Maclin stated that City crews have tried to keep everyone's driveway open, where they can get in and out, and are still having problems with that from time to time. City Manager Maclin stated that City staff has addressed every complaint they have received in regards to being able to get in and out of their property.

Mr. Wright stated that he has met with the contractors and talked to them about clean up and actually went through and did some cleanup but the gas company came right behind them and laid their line. Mr. Wright stated that he has also instructed the contractor to pickup some of the materials that have been left. Mr. Wright stated that every complaint that he or Mr. Williams have received have been taken care of by putting gravel and base material so that the people can have access to their property. Mr. Wright stated that he has been down MLK many times during the last few months.

Councilmember Gorden stated that this seems like a "hindsight" situation, and he would question the decision about the value of the houses and how it was decided to fix up the old houses when they could have been relocated to better housing. Councilmember Gorden stated that the main question he has is, has the million dollar plus overage been something that has been talked about as the project has progressed. Mr. Medford stated that he had been given a map and a list of all the parcels and after they were appraised he went out and started talking to people. Mr. Medford stated that he had sat down with Mr. Wesch at the beginning of this project and Mr. Wesch told him that he needed to get rid of the hard ones first; get the people relocated where he was going to take their homes, and try to get the people moved that are to be moved. Mr. Medford stated that he would get his bids in and fill out a check request form and submit it to Mr. Wesch, when they were approved he would pick up the check and pay the people. Mr. Medford stated that at first he had a lot of trouble finding some capable carpenters. Mr. Medford stated that while the houses were being moved the people were either in a motel or in some private housing. Mr. Medford stated that he could not move more than one or two at a time and try to get the people back in them as quick as he could. Mr. Medford stated that it cost the City money while he had the people out of their houses. Mr. Medford stated that following the TxDOT guidelines, the City had to pay their room and board and reimburse them for meals. Mr. Medford stated that while the people were out of their houses he had to bring in the carpenters and bring the houses up to Code, lay a new extension of the water line, extension of the sewer line, and the house had to be up to Code before TU Electric would reconnect the power. Councilmember Gorden stated that essentially the City vested Mr. Medford with the authority to go over and get this work down. Mr. Medford stated that at first he was reporting to Mr. Wesch, and then to City Manager Maclin, Mr. Mayfield and eventually to Keith Wright. In response to question by Councilmember Gorden, Mr. Medford stated that when he picked a house up he had no way of knowing if he was going to spend \$5,000 on that house or \$10,000. Mr. Medford stated that for some of them he spent \$2,000 just to get them off the ground because when they tried to get the beams under the house the sills started sinking together. Mr. Medford stated that in some cases the sills had to be replaced, and there were cracked windows, and cracked toilets, etc.

Mr. Medford stated that he would like to explain about relocation. The Williams' house, which only appraised at \$14,000, was a three bedroom, one bath house, with 11,008 SF. Mr. Medford stated that he had to find the Williams' three suitable three bedroom, one bath, 11,008 SF houses and they have to approve the ones they are going to be moved to. Mr. Medford stated that the house they are moved to, according to State guidelines, has to be decent, safe and sanitary. Mr. Medford stated that basically this means that the house cannot have cracked windows, or cracked toilets. Mr. Medford stated that you have to put the people into the new house in the same financial position that they were in the old house. Mr. Medford stated that, in this case, the people owed no money. Mr. Medford stated that they

have to go into the next house lien free. Mr. Medford stated that they have to take the \$14,000 the City is paying them for their house, and apply it towards the new house and the City pays the difference. Mr. Medford stated that in their case the cheapest house he found that was on the market that someone would sell was \$38,500. Mr. Medford stated that in addition you have to pay their moving expenses. Mr. Medford stated that the City also has to connect their utilities for them.

Mr. Medford stated that a couple of the houses that were moved were four bedroom, two bath, and 2,000SF, that might have appraised for \$35,000.

In response to question by Councilmember Gorden, Mr. Medford stated that he spent as little as \$3,000/\$4,000 on some and as much as \$25,000/30,000 rebuilding them. Mr. Medford stated that you have to take the people into consideration; most people like living where they are living and don't want to move.

Councilmember Jones stated that she wanted to make one comment. Councilmember Jones stated that one time when Council was talking about Paul Street some mention was made that we would probably run over on MLK, but, in her opinion, none of the Council was prepared for \$1 million of overage. Councilmember Jones stated that personally she would have liked to know about this in advance.

Tina Walker, Department of Transportation, stated that regarding the price of hot mix, she is seeing hot mix prices in this District, the Bryan District, and the Atlanta District cheaper than she has seen them in the 17 years she has been with the Department. Ms. Walker stated that she has been receiving bids in the equivalent of \$33 to \$34 a ton, which is unheard of. Ms. Walker stated that there is a hot mix war going on at this time in this region of the state. Ms. Walker stated that she can get some information out of their records regarding the full depth asphalt streets for Council's consideration.

Mr. Moreau stated that the asphaltic hot mix prices on MLK were \$24/\$25 per ton.

In response to question by Councilmember Simond, Mr. Jacobs stated that the base is a different grading of hot mix, it has larger rocks in it, and is a mixture of hot mix and gravel. Mr. Jacobs stated that you want a smoother wearing surface so you go to a smaller aggregate on the upper material. Mr. Jacobs stated that the base is an 8" layer of lime stabilized subgrade and then there are layers of hot mix. Mr. Jacobs stated that if Councilmember Simond was interested in going over to Huntsville to see the full depth hot mix streets he would give him the name of the City Engineer.

Councilmember Simond asked why Huntsville has had this full depth hot mix for several years and Lufkin is just now hearing of it. Mr. Jacobs stated that the City of Lufkin has not had a major street building operation like we have right now. Mr. Jacobs stated that the City of Lufkin is blessed to have a contractor like Moore Bros. to be able to build a street at the prices they bid.

In response to question by Mayor Bronaugh, Mr. Jacobs stated that this bid would be good for 60 days. Mr. Jacobs stated that it would be a lot better to get started on this project during the summer months before the rainy weather begins.

In response to question by Councilmember Simond, Mr. Moreau stated that as a governmental entity the City is required to have performance and payment bonds which go through insurance companies. Mr. Moreau stated that getting the bonds to the insurance company is a two week job.

In response to question by Councilmember Simond as to why the contractor would not be ready to start working the day after school was out, City Manager Maclin stated that it was because of the time it took to spend the \$1 million to relocate the houses and repair them, plus the relocation of utilities.

Mayor Bronaugh stated that Council had two choices; to go ahead and accept the bid, or to delay it to a later date.

In response to statement by Councilmember Simond, City Manager Maclin stated that the complexities involve the brackets on the first page after the bid tabulation. City Manager Maclin stated that the brackets indicate the funds that the City has to come up with. City Manager Maclin stated that the good news is that \$200,000 in interest earned between now and the end of the project can be used to reduce the cost of the project from \$1.5 million to \$1.3 million and from \$700,000 to \$500,000. City Manager Maclin stated that he was equally as shocked when he saw the million dollar total as each of Council was. City Manager Maclin stated that the reason Council has not seen this sheet before today is that staff was waiting on a price for MLK. City Manager Maclin stated that the complexity involves where does the City come up with the funds to complete the project, whether Council chooses concrete or chooses hot mix, you still have some deficient of funds that needs to be addressed. City Manager Maclin stated that the City Council retreat is scheduled for next week and at that retreat staff will bring an item that had been requested by Council last year which is the construction of a new public works facility. City Manager Maclin stated that staff has looked at a combination of general obligation bonds and utility fund and solid waste fund dollars since we are obviously replacing the water and sewer headquarters and are moving from a lease facility to a new facility for solid waste, it is eligible to use those funds to contribute towards those elements of the public works facility complex. City Manager Maclin stated that staff has worked with the City's bond counsel, Mike Byrd, and have run a wide variety of scenarios to meet each and every potential that might be considered in terms of the alternatives of dealing both with the short fall to complete the four streets and the estimated expenses and bonded indebtedness that would be required to do the new public works facility.

City Manager Maclin stated that if Council chose to build the full, new public works facility, and were to choose to go with a concrete street you would be looking at a 1.2% tax increase. City Manager Maclin stated that the other figures he would give Council will have nothing to do with the streets but deal strictly with the public work facility; it would cost the City a 1.8% increase in solid waste rates and a 1.26% increase in water and sewer rates. City Manager Maclin stated that that would satisfy the debt requirements to build the full \$4.2 million public works facility that includes a new City fleet maintenance garage, a new water and sewer headquarters, a new street headquarters and a new solid waste facility. City Manager Maclin stated that those 1.2% and 1.8% increases are static based on the public works facility. City Manager Maclin stated that if Council chose to go with the asphalt streets as projected on the price for MLK and Tulane, then it would be about 3/4's of a cent increase or .07; or, if Council said we could not afford the public works facility and only wanted to build the streets, that could be done without a tax increase. City Manager Maclin stated that it can be done by dovetailing in existing debt structure as it is paid off and coming back in behind it with new debt; similar to how LISD issued \$27 million in bonds without a tax increase. City Manager Maclin stated that the reason he brings these two together, and why we will talk about this jointly at the retreat next week, is that when you issue bonds, whether they are general obligation bonds or revenue bonds, you will have an issuance cost of around \$60,000. City Manager Maclin stated that if the City was going to issue \$500,000 or \$1.2 million, or \$5.4 million or \$20,000, the issuance cost is the same. City Manager Maclin stated that if the Council is going to consider the public works facility, now would be the appropriate time to save on the issuance costs and issue the debt for the public works facility and the street improvements at the same time; thereby avoiding a duplication of issuance cost. City Manager Maclin stated that recapping the bottom line - to go concrete and build a public works facility that replaces those four units that were mentioned, it would mean a 1.2 cent rate increase. City Manager Maclin stated that this would mean to go from where we are at just under .49 per \$100 valuation now, we would go right at .50. City Manager Maclin stated that is to do everything plus the concrete streets on Tulane and MLK. City

Manager Maclin stated that if the streets are asphalt it would be three-quarters of a cent and would put the City just under .50 cents per \$100 valuation. City Manager Maclin stated that the other alternative, which he would not recommend, is to use fund balance, which would diminish the City's bond rating.

Councilmember Bowman asked that the City Manager project what additional tax revenue the City will have as a result of the growth that is naturally occurring in Lufkin at the retreat next Thursday. City Manager Maclin stated that the preliminary tax roll from the CAD will project approximately a 5% growth in property values. City Manager Maclin stated that their preliminary numbers for net taxable is going to go up from \$963,000,000 to somewhere in the neighborhood of \$1,115,000,000. City Manager Maclin stated that the City's sales tax for 1997 is flat, and is not showing the same type of 6-8% growth that the City has seen the year before. City Manager Maclin stated that staff has talked to the Comptroller's Office and the only way they can explain it to us is 1) there have been adjustments made due to overpayments or over calculations that were adjusted downward, or 2) there have been situations in their old computer system whereby sales tax collected in February did not show up until March. City Manager Maclin stated that his perception is that when the City starts seeing the sales tax collections from Lowe's and after the next quarter, the sales tax collections from Sam's, the City will get back closer to that growth rate that we had seen previously.

Mr. Mayfield stated that he called the Comptroller's Office and asked information specific to vendors, which he was not able to get. Mr. Mayfield stated that he was looking for help in doing some projections. Mr. Mayfield stated that in January the City was down about \$250,000 as compared to what we had received last year, and we accessed the Comptroller's records on the Internet and found out that basically they are behind us by about 2 1/2 quarters.

In response to question by Councilmember Bowman, City Manager Maclin stated that if the City built the concrete street and postponed the public works facility, there would not be a tax increase.

Mayor Bronaugh stated that if the street construction is delayed, it will get into the school year, and each time it is delayed it will create more problems down the line.

Councilmember Weems stated that he would make a motion that this item be tabled until next Council meeting. Councilmember Weems stated that he would like to see the numbers that will be projected at the Council retreat. City Manager Maclin stated that this could be listed as an agenda item at the Retreat and make a decision on the 15th. Mayor Bronaugh stated that, in his opinion, the decision should be made tonight.

In response to question by Councilmember Weems as to whether the specifications for MLK and Feagin were the same, Mr. Moreau stated that they were not. Mr. Moreau stated that the specifications on MLK required a surface finish on the concrete and the specifications on Feagin did not require a surface finish. Ms. Walker asked if the specifications required a "ride spec". Mr. Moreau stated that the ones on MLK did. Mr. Jacobs stated that structurally all four streets are standardized, and have all been designed by the same methods, but with different loadings.

In response to question by Councilmember Bowman as to the difference in the drive set cost in MLK and Feagin, Mr. Wright stated that it was approximately \$100,000. Mr. Moreau stated that the difference in price on MLK is the ride surface. Mr. Wright stated that Thomas Moore told him that the ride on MLK would be smoother than Feagin because he was keeping the tolerance in there and using different equipment for a dowel-in curb instead of a monolithic curb. Councilmember Bowman asked if there were some other things that could be done to a concrete street to bring the cost down. Mr. Jacobs stated that the only other thing that could be done is to cut the thickness of the concrete. Mr. Jacobs stated

that Feagin's thickness was 7 1/2" and MLK will have 6 1/2". Councilmember Simond stated that he would not like to see the thickness cut on MLK because it will have much more traffic by commercial trucks on it than Feagin will. Councilmember Simond stated that the Transit Mix Company will be using this street with trucks loaded with steel, concrete, sand, etc. Councilmember Simond stated that regardless of the type of material used for the street, he would not like the thickness to be cut. Mr. Jacobs stated that the design for MLK is predominantly 6 1/2" on the concrete, and in this bid the concrete has been thickened to 7 1/2" near the concrete plant on Abney to the railroad tracks, and at Brookshire Bros. at McCoy's where there is a lot of heavy truck traffic it has also been thickened to 7 1/2". Mr. Jacobs stated that on the asphalt option the predominant thickness is 5" of base and 2 1/2" asphalt surface course, for the thickened sections it is 7" of asphalt base and 2 1/2" of surface course.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones to accept the low bid of Moore Bros. in the amount of \$1,347,324.62 for Option No. 2, and approval of sidewalks along the west side of MLK in the amount of \$47,250.

The following vote was recorded:

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

Mayor Bronaugh stated that motion carried on a 5 to 2 vote.

16. COMMENTS

City Manager Maclin stated that he had neglected to report at the last Council meeting that the Investment Committee had met on April 15th and reviewed the First Quarter Report.

City Manager Maclin introduced Doug Criss the new Lufkin News reporter.

City Manager Maclin stated that the annual Council retreat will be held at Pine Island next Thursday, May 15th.


Mayor Bronaugh stated that Lufkin Industries will have their 90th year celebration this week and Councilmembers have been invited to visit their facilities on Thursday, May 8th, from 1:00 - 4:00 p.m.

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

ATTEST:



Atha Stokes - City Secretary



Louis A. Bronaugh - Mayor