

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
18TH DAY OF JANUARY, 1994 AT 5:00 P.M.**

On the 18th day of January, 1994 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	Councilman, Ward No. 1
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Jack Gorden, Jr.	Councilman, Ward No. 5
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Ernest Hodge, Minister, Church of the Living God.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of January 4, 1994 were approved on a motion by Councilman Bob Bowman and seconded by Councilman Tucker Weems. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF CERTIFICATE OF COMMENDATION - JAMES McCLAIN - CITY EMPLOYEES INCENTIVE PROGRAM AND SUGGESTIONS**

Mayor Bronaugh presented a Certificate of Commendation to James McClain in recognition of his participation in the City Employees Incentive Program and Suggestions, which improves the efficiency of City operations.

5. **PUBLIC HEARING - TAX ABATEMENT - TEXAS FOUNDRIES**

Mayor Bronaugh opened Public Hearing to consider Tax Abatement as requested by Texas Foundries.

City Manager Maclin stated that included in the Councilmembers packets is a copy of the application submitted by Texas Foundries, and the applicant does meet all the threshold requirements for a Tax Abatement.

No one present spoke for or against the Tax Abatement.

Mayor Bronaugh closed Public Hearing.

6. ORDINANCE - APPROVED - SECOND READING - AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE - DAY NURSERIES - RESIDENTIAL LARGE ZONING DISTRICTS - RUTH DENNIE/TERESA NEAL

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance to amend the Comprehensive Zoning Ordinance by amending the definition of Day Nurseries and allowing Day Nurseries in Residential Large Zoning Districts as requested by Ruth Dennie and Teresa Neal.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. FEE RENTAL SCHEDULE - TABLED - LUFKIN/PITSER GARRISON CIVIC CENTER

Mayor Bronaugh stated that the next item for consideration is the fee rental schedule for the Lufkin/Pitser Garrison Civic Center. Mayor Bronaugh stated that since there is not a full Council present, the meeting would be tabled once again.

8. ORDINANCE - APPROVED - TAX ABATEMENT - TEXAS FOUNDRIES

Mayor Bronaugh stated that the next item for consideration is First Reading of an Ordinance for Tax Abatement as requested by Texas Foundries.

City Manager Maclin stated that he would like to reiterate that this is the epitome of what Tax Abatement is all about. City Manager Maclin stated that the Tax Abatement gives a local industry the chance to expand, create new jobs, add new value to the tax roll, and strengthen the community. City Manager Maclin stated that the City's participation in this Tax Abatement will help Texas Foundries to be more competitive in the international market place and will help make them more successful, which makes Lufkin stronger economically.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Ordinance for Tax Abatement as requested by Texas Foundries be approved on First Reading as presented. A unanimous affirmative vote was recorded.

There was no opposition to the Tax Abatement. Mayor Bronaugh stated that Second Reading of the Ordinance will be heard on February 1st.

In response to question by Councilman Bowman, City Manager Maclin stated that typically the City's Public Hearing, by virtue of the way the Policy is written, and State law, satisfies the Public Hearing requirement for all taxing entities in Angelina County. City Manager Maclin stated after the Second Reading of the Tax Abatement is completed at the next Council meeting, the applicants will forward their request on to the County, School District and Junior College for consideration at their Board meetings. City Manager Maclin stated that as State law stipulates, all Tax Abatements have to be the same in terms of number of years and percent of abatement, but each taxing entity has the option of choosing to participate or not to participate. City Manager Maclin stated that staff has recently had a meeting with the School, including representatives from Lufkin and Hudson, because there are some portions of the west side of town that Hudson ISD is inside the City limits, particularly in the Lotus Lane area. City Manager Maclin stated that what has become a method of abatement in light of Senate Bill 7, which is a law that went into effect June 1st that in essence penalizes School Districts for participating in Tax Abatements, has become a pattern from Ft. Bend County a contractual agreement whereby a school goes ahead and grants a tax abatement but also has a contractual agreement where the entity receiving the tax abatement will by contract pay the amount of taxes equivalent to what they would have lost as a result of Senate Bill 7. City Manager Maclin stated that, in essence, to the schools, they are no worse off than they were prior to Senate Bill 7; to the industry it means a little less abatement

than they would have gotten before Senate Bill 7, but there still is tax abatement provided by the schools this way. This does not impact the amount of abatement to the County and Junior College. because they are not under Senate Bill 7. City Manager Maclin stated that an effort is being made to draft a new Tax Abatement Policy that will reflect this adjustment to make sure that LISD is not any worse off than they were previously in terms of State aid. City Manager Maclin stated that he also met with the County Commissioner's Court to review the Tax Abatement Policy, and there were a few minor changes they wanted to make. City Manager Maclin stated that after the County Attorney, City Attorney, and staff have reviewed the changes, the Tax Abatement Policy will be placed on an agenda for consideration by the City Council and by the County Commissioner's Court.

Mayor Bronaugh requested that he be reminded the next time the City Council has a Public Hearing for a Tax Abatement to announce that the Public Hearing would suffice for both the County and School Public Hearings.

9. AMENDMENT - APPROVED - ORDINANCE - FEE INCREASE - INSTALLATION OF 2" WATER METER

Mayor Bronaugh stated that the next item for consideration is First Reading of an Amendment to an Ordinance to increase installation fees for a 2" water meter.

City Manager Maclin stated that this item was approved in principle at the last Council meeting, but for it to become enforceable, Council needs to amend the Ordinance which denotes fees for installation of a 2" water meter.

Motion was made by Councilman Tucker Weems and seconded by Councilman Bob Bowman that an Amendment to an Ordinance increasing installation fees for a 2" water meter be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. CONSTRUCTION PLANS - APPROVED - R. H. DUNCAN - BROOKHOLLOW ADDITION NO. 14

Mayor Bronaugh stated that the next item for consideration is a request by Philip Goodwin on behalf of R. H. Duncan for approval of the construction plans for Brookhollow Addition No. 14.

City Manager Maclin stated that included in the Councilmember's packets is the documentation regarding this plan request. The construction plans were unanimously approved by the Planning and Zoning Commission. City Manager Maclin stated that the only item out of the ordinary that this includes is a request that has been made previously in this subdivision, and that is for a variance from 6" to 5" of concrete. City Manager Maclin stated the City has granted this request several times as an experimental project and in the last two years it has deemed to be very satisfactory. City Manager Maclin stated that the next agenda item for consideration will be to make this option a permanent part of the Subdivision Ordinance for residential streets (collector streets excluded).

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that the construction plans for Brookhollow Addition No. 14 submitted by R. H. Duncan be approved as presented. A unanimous affirmative vote was recorded.

11. AMENDMENT - APPROVED - SUBDIVISION ORDINANCE - PAVING REQUIREMENTS - RESIDENTIAL STREETS

Mayor Bronaugh stated that the next item for consideration is an Amendment to the Subdivision Ordinance relating to paving requirements on certain residential streets.

Asst. City Manager Ron Wesch stated that the first variance granted by the City Council was to Mr. Duncan in 1989. Mr. Wesch stated that the concrete streets in Brookhollow No. 12 were the original experimental streets. Mr. Wesch stated that the key factor in this is the wire mats that Mr. Duncan uses versus the rebar steel that the City currently requires in the Subdivision Ordinance. Mr. Wesch stated that included in the Councilmembers packets is a list of the standard specifications for 5" concrete paving, and the main factor is the reinforcing steel mats.

Mr. Wesch stated that the concrete in Brookhollow No. 12 is not showing any signs of wearing or cracking.

In response to question by Mayor Bronaugh, Mr. Wesch stated that this will be a third option for subdividers to use in the makeup of streets; 5" would not be in lieu of 6". Mr. Wesch stated that this application is not for every type of street - there are some collector type streets going into subdivisions where the City would not allow a 5" concrete street.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that Amendment to the Subdivision Ordinance relating to paving requirements on certain residential streets be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - CENTRAL BUSINESS DISTRICT - BLIGHTED AREA

Mayor Bronaugh stated that the next item for consideration is a Resolution declaring the Central Business District a blighted area in need of special consideration in regard to economic development and physical improvements.

City Manager Maclin stated that a few meetings back, staff brought a request to Council to submit an application to the Texas Department of Transportation for the ISTEA funding. City Manager Maclin stated that this is assistance money from the Federal government through the Texas Department of Transportation that gives a little more flexibility than previous Transportation Department assistance programs have given. One of the things mentioned was that the City hoped to be applying for this money as soon as the guidelines were finalized and procedure was established. City Manager Maclin stated that the City hoped to be applying for a new pilot program through the Community Development Block Grant Department of the Texas Department of Housing and Community Affairs that could act as some match funding to the ISTEA application for downtown improvements. (Downtown improvements included street replacement, sidewalk replacement including paver installation, landscaping, and period lighting.) City Manager Maclin stated that this Resolution is one of the elements essential to the application process for this Community Development Block Grant program, which basically states that the Council believes there needs to be some special consideration given to downtown for economic development and physical improvements to enhance the aesthetic appeal of downtown as well as safety, pedestrian traffic flow, etc.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Resolution declaring the Central Business District a blighted area in need of special consideration in regard to economic development and physical improvements be approved as presented. A unanimous affirmative vote was recorded.

13. APPLICATION - APPROVED - ACQUISITION OF RAILROAD RIGHT-OF-WAY - CITY PARKING LEASE - CITY MATCHING FUNDS

Mayor Bronaugh stated that the next item for consideration is an application for funds for the acquisition of railroad right-of-way currently being leased by the City for parking, and commitment of matching funds by the City.

City Manager Maclin stated that included in the Councilmembers packets is a letter from Main Street Director Dawn Glover that enumerates an executive summary of the two applications the City is submitting. City Manager Maclin stated that the first application would be to provide a cash-match for the storm sewer system that will be needed if the City is awarded the \$2.5 million ISTEAs program. City Manager Maclin stated that last fall there had been previous discussion as how to minimize the cash participation by the City. City Manager Maclin stated that the second part of this application would be Plan "B", or an alternative so that the City does not miss out on the window of opportunity to apply for these funds. City Manager Maclin stated that the State will only fund two applications in this program, which is a pilot program limited only to Main Street cities. City Manager Maclin stated that if the timing is such that the City is not able to commit through our application that our funds would be used for this drainage to match the ISTEAs \$2.5 million grant, then the City would go for Plan "B", which is to ask for State funds to acquire the right-of-way which the City currently leases from Southern Pacific Railroad for a downtown parking area (an area on Groesbeck between First and Second Streets and an area off of Angelina Street adjacent to Lufkin Industries and the Lufkin News). City Manager Maclin stated that the City is currently paying an annual lease fee for this property to the Southern Pacific Railroad. City Manager Maclin stated that Ms. Glover has spent many hours working on this application and has communicated with the TDCA and the TDT to confirm the ability of the City to submit in essence two applications and be prepared to go whichever way that is the most advantageous to the City of Lufkin. City Manager Maclin stated that the funds would then be given to the City of Lufkin under Plan "B" to purchase these properties from the Southern Pacific Railroad and make improvements to them as funds allow including resurfacing and possibly some landscaping and redesign. City Manager Maclin stated that in this particular approach, staff would be able to use existing Main Street budget as in-kind match, thereby, minimizing the amount of dollars the City would have to put in from a cash standpoint. City Manager Maclin stated that basically staff is seeking the Council's participation in this program by authorizing staff to submit this application with the "A/B" type of approach.

Ms. Glover stated that on Plan B, the State will allow her to use her entire departmental budget in addition to the salary/benefit package for Mr. Hilton, the Downtown Maintenance and Beautification Coordinator, and probably her low interest loan balance, which is well over \$100,000. Ms. Glover stated that it is highly unlikely that this particular application is going to require any cash from the City.

In response to question by Councilman Simond, Ms. Glover stated that Southern Pacific is listing the property according to the way it looked on the plat in 1900. Ms. Glover stated that SP refuses to take into consideration that roads have been made through the property, and that there is much less actual land available for sale than the original plat is showing. Ms. Glover stated that she has worked with Southern Pacific and a realtor to come up with an approximate price for the Groesbeck property, and it appears that the price will be \$60,000, and approximately \$15-\$16,000 for the Shepherd Street property. Ms. Glover stated that Mr. Wesch and Kenneth Vann are in the process of working up plans for the best way to renovate the property. Ms. Glover stated that both locations will include covered trolley stops. Ms. Glover stated that she is working with Brazos Transit and they are drawing up a new proposed schedule that will involve 15 minutes pickups between 7:30 a.m. and 5:00 p.m. Ms. Glover stated that the total amount will be close to \$100,000. Ms. Glover stated that she is writing the application for the full amount of the property as it looked in 1900 to protect the City from being out any extra dollars. Councilman Simond stated that he had a problem with being held up by the railroad, and in his opinion, the property on Groesbeck was not worth \$110,000. Ms. Glover stated that before a sale of the property would close, under this program a certified appraisal would be required, and the State would not allow the City to give more with their funds than what the certified appraisal said the land was worth.

In response to question by Councilman Boyd, Ms. Glover stated that the City is applying for two grants simultaneously with the possibility that the City will only receive funding for one, hopefully Plan A, which would be the \$278,000 for the storm sewer systems, if the ISTEPA grant is approved.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that application for Plans A and B for funds for the acquisition of railroad right-of-way be approved as presented. A unanimous affirmative vote was recorded.

14. BID - APPROVED - FORK LIFT - RECYCLING CENTER - A F ENTERPRISES, INC.

Mayor Bronaugh stated that the next item for consideration is a bid for a fork lift to be used at the Recycling Center.

City Manager Maclin stated that staff recommendation is the low bid of AF Enterprises, Inc. in the amount of \$30,692.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond that bid of AF Enterprises in the amount of \$30,692 be approved as submitted, and that the difference of \$4,192 above the budgeted amount of \$26,500 be taken from the Contingency Fund. A unanimous affirmative vote was recorded.

15. COMMENTS

Councilman Simond stated that, in his opinion, the public should be given a chance to be on the agenda to talk about anything they wanted to talk about. Councilman Simond stated that a citizen, as a taxpayer, should be able to speak before the City Council on any subject.

Councilman Simond pointed out that the Minutes of the last meeting reflect that Councilman Kegler was present, when in fact, he was not.

City Manager Maclin stated that a compilation of the Charter Review that reflects those things that have been discussed up to this point, has been placed at each of the Councilmember's place at the Council table. City Manager Maclin stated that the only thing that is not included that was talked about at the last Council meeting is the greater clarification about the definition of gifts. City Manager Maclin stated that he had spoken with someone at TML today and they are sending some additional information predicated on the new ethics law. This information should be provided to the Council before the next meeting.

City Manager Maclin stated that he is requesting Council's consideration for a Called Meeting to specifically discuss the four issues that Council will be voting on to determine if they will be on the ballot in May. A Called Meeting was set for Friday, January 28, at 9:00 a.m.

Councilman Kegler stated that he was not present at last meeting when the Manager's Performance Evaluation was discussed, but he would like to say that the City is in good hands under the capable leadership of City Manager C. G. Maclin. Councilman Kegler stated that one of the things that impressed him about the Manager is that he surrounds himself with a capable staff.

Mayor Bronaugh stated that on Wednesday, February 2, the DETCOG annual regional review will be held in the Council Chambers of City Hall from 8:00 a.m. to 5:00 p.m. Mayor Bronaugh stated that the City's request will be presented at 2 p.m.

Mayor Bronaugh stated that immediately following the Council meeting, the annual Chamber of Commerce banquet will be at the Civic Center.

Councilman Bowman reminded Councilmembers that on Thursday, February 3, David Burnsen will be speaking at the DETDA banquet at Crown Colony.

16. There being no further business for consideration, meeting adjourned at 5:55 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary