

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
3RD DAY OF DECEMBER, 1996 AT 5:00 P. M.**

On the 3rd day of December, 1996 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 Bronaugh	Mayor
Don Boyd	Mayor pro tem
Percy Simond, Jr.	Councilmember, Ward No. 1
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
Stephen Abraham	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer

being present, and

Betty Jones	Councilmember, Ward No. 3
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Abraham Riser, Jr., Hospice Chaplain.
2. Mayor Bronaugh welcomed visitors present and recognized Brandon Adams, Boy Scout Troop 135, who is working on his First Class rank. Mayor Bronaugh introduced his granddaughter, Christa Randolph, who was in the audience.

Mayor Bronaugh stated that immediately following the Council meeting there will be a Christmas party in the atrium for members of the Lufkin Mayor's Committee for People with Disabilities. Mayor Bronaugh stated that this Committee has been in existence for seven years and has done many good things for people with disabilities along with assistance from the Parks & Leisure Services Director Don Hannabas. Mayor Bronaugh stated that the swimming pools at City parks have been brought into compliance for people with disabilities, and they have made sure that those who park in handicapped spaces are legally able to park there.

Mayor Bronaugh recognized Joe Havard, Chairman of the Committee, Cedric Buckley, and Stephen Stewart, past Chairman.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the minutes of the Regular Meeting of November 19, 1996 be approved as presented. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - SKATEBOARD

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Skateboard Ordinance.

City Manager Maclin stated that prior to this meeting there had been several discussions about complaints from downtown business owners and property owners relating to near collisions or problems accessing businesses in the downtown area due to skateboarders or in-line skaters. City Manager Maclin stated

that the Main Street Advisory Board discussed the problem at several of their meetings and recommended to the Council consideration of an Ordinance to prevent sidewalks to be used for skateboards and in-line skates in the Fire District for downtown Lufkin. City Manager Maclin stated that tonight is the second reading of the Ordinance which will basically prohibit the operation of skateboards, roller skates, roller blades, or similar devices on the sidewalks in the Fire Zone area, which is bounded on the west by Angelina Street, on the north by Bremond, on the east by Third Street and on the south by Townsend and Burke.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the Skateboard Ordinance be approved on Second and Final Reading as presented.

The following vote was recorded:

Aye: Councilmembers Gorden, Bowman, Weems and Mayor Bronaugh

Nay: Councilmembers Simond and Boyd

Mayor Bronaugh stated that the Ordinance passed with a 4 to 2 vote.

5. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL SMALL SINGLE FAMILY TO SINGLE FAMILY/MIXED USE - HOME AVENUE AND FREEMAN STREET - D. H. NEAL

Mayor Bronaugh stated that the next item for consideration was request of D. H. Neal to change the zoning from "RS" Residential Small Single Family to "SF/MX" Single Family/Mixed Use on approximately 10.249 acres of land which includes all property between Home Avenue and Freeman Street east of Paul Avenue.

City Manager Maclin stated that included in the Council packet is information that was previously brought to Council, and Council requested staff to reduce the acreage of the area to be included in the zone change and taken back to the Planning & Zoning Commission for further consideration. City Manager Maclin stated that the Planning & Zoning Commission, with consideration of a smaller area, recommends approval to the Council for this zone change request. City Manager Maclin stated that due to the 20% or greater of the area residents being opposed to the request, it will take six affirmative votes of Council in order to over ride the 20% opposition by State law.

There was no opposition present.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Percy Simond that request of D. H. Neal to change the zoning from "RS" Residential Small Single Family to "SF/MX" Single Family/Mixed Use on approximately 10.249 acres of land which includes all property between Home Avenue and Freeman Street east of Paul Avenue be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL MEDIUM SINGLE FAMILY TO NEIGHBORHOOD RETAIL - 805 ELLIS AVENUE - PHIL MEDFORD - DAVID ASKINS

Mayor Bronaugh stated that the next item for consideration was the request of Phil Medford on behalf of David Askins to change the zoning from "RM" Residential Medium Single Family to "NR" Neighborhood Retail on property located at 805 Ellis Avenue.

City Manager Maclin stated that this request conforms to the Comprehensive Plan and comes to Council with a unanimous vote of approval by the Planning & Zoning Commission.

There was no opposition present.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that request of Phil Medford on behalf of David Askins to change the zoning from "RM" Residential Medium Single Family to "NR" Neighborhood Retail on property located at 805 Ellis Avenue be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL MEDIUM SINGLE FAMILY AND LOCAL BUSINESS, SPECIAL USE (DRESS SHOP) TO LOCAL BUSINESS - 701 W. FRANK AVENUE - WILLIAM BATCHELOR

Mayor Bronaugh stated that the next item for consideration was request of William Batchelor to change the zoning from "RM & LB, SU" Residential Medium Single Family & Local Business, Special Use (Dress Shop) to "LB" Local Business on property located at 701 W. Frank Avenue.

City Manager Maclin stated that this request also complies with the Comprehensive Plan land use and comes to Council with a unanimous vote of approval by the Planning & Zoning Commission.

There was no opposition present.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that request of William Batchelor to change the zoning from "RM & LB, SU" Residential Medium Single Family & Local Business, Special Use (Dress Shop) to "LB" Local Business on property located at 701 W. Frank Avenue be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - DUPLEX TO COMMERCIAL - 412 N. FIRST STREET - BILL RICKS - VERNA MCGAUGHEY

Mayor Bronaugh stated that the next item for consideration was request of Bill Ricks on behalf of Verna McGaughey to change the zoning from "D" Duplex to "C" Commercial on Lots 1 and 2, Block 33, Original Town of Lufkin, located at 412 N. First Street at the southeast corner of the intersection of N. First Street and Paul Avenue.

City Manager Maclin stated that this zone change is also consistent with the recommendation of the Comprehensive Plan and comes to the City Council with a unanimous vote of approval by the Planning & Zoning Commission.

Mr. Ricks stated that the proposed use for this property is for a Doctor's office.

There was no opposition present.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that request of Bill Ricks on behalf of Verna McGaughey to change the zoning from "D" Duplex to "C" Commercial on Lots 1 and 2, Block 33, Original Town of Lufkin, located at 412 N. First Street at the southeast corner of the intersection of N. First Street and Paul Avenue be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. REQUEST - WITHDRAWN - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO LOCAL BUSINESS - HARMONY HILL DRIVE AND CHESTNUT STREET (FM 58) - DON DURAN - JAMES RICK MARTIN

Mayor Bronaugh stated that the next item for consideration was the request of Don Duran on behalf of James Rick Martin to change the zoning from "RL" Residential

Large Single Family to "LB" Local Business on approximately a 2.650 acre tract of land located at the northwest corner of the intersection of Harmony Hill Drive and Chestnut Street (FM 58).

Mayor Bronaugh stated that Council had received a letter from Attorney Don Duran requesting that this item be withdrawn from consideration.

10. REQUEST - APPROVED - BURKE CENTER (GARBAGE SERVICE) - FREEMAN STREET - WAYNE HAGLUND

Mayor Bronaugh stated that the next item for consideration was request of Wayne Haglund on behalf of a facility owned by the Burke Center located at 3224 Freeman Street.

City Manager Maclin stated that included in the Council packet is a letter from Wayne Haglund on behalf of the Burke Center construction on Freeman Street. City Manager Maclin stated that this facility is located just outside the City limits by 6' on an undeveloped area of Freeman Street that was previously platted many years ago and never developed. City Manager Maclin stated that their request by letter is to have garbage service, and since this property is outside the City limits it will take Council authorization for the staff to be able to try and meet the request.

In response to question by Mayor Bronaugh, City Manager Maclin stated that included in the packet is a letter from the City Engineer addressing this request.

Wayne Haglund, Attorney representing this request, stated that the Burke Center has recently acquired a piece of property that is five acres and is right across the City line. Mr. Haglund stated that the building is across the City line and is fronting on Freeman Street. Mr. Haglund stated that this property was donated to the Burke Center and a group home has been built on the land. Mr. Haglund stated that his purpose in being before Council tonight is to request City garbage service to the Burke Center facility. Mr. Haglund stated that this group home was constructed by Duncan Construction and houses three clients and one or two full time staff members around the clock. Mr. Haglund stated that the house is a three bedroom, three bath house and is well landscaped.

In response to question by Councilmember Bowman, City Manager Maclin stated that the City Engineer's recommendation is that the property be replatted since portions of the five acre tract are in the City limits. Mr. Haglund stated that this is a subdivision where the streets and utilities were never put in and was never developed. Mr. Haglund stated that he has the consent of all the other property owners for replatting of the entire area to reflect the current useage and ownership. Mr. Haglund stated that two of the three owners will be purchasing the street right-of-way from the City and County. Mr. Haglund stated that the residents are not proposing to have this property annexed.

In response to question by Councilmember Gorden, Mr. Haglund stated that he did realize that the home was outside the City, and had been working with City staff for some period of time. Councilmember Gorden stated that he had some strong reservations about approving this request. Councilmember Bowman stated that he concurred with Councilmember Gorden and did not like the idea of providing garbage service to someone outside the City. Councilmember Gorden stated that the question is "Where do you stop (granting requests like this)?"

In response to question by Mayor Bronaugh, City Manager Maclin stated that Tatum's Sanitation would be the logical private garbage provider for this area. Mr. Haglund stated that he was going to ask who provided garbage service to the other houses on Freeman Street.

Councilmember Bowman asked the ramifications of annexing the property inside the City limits. Mr. Haglund stated that he did not know the position of the other

property owners. Mr. Haglund stated that the Burke Center only owns five acres out of this 20 acre tract that made up the original subdivision. Mr. Haglund stated that he is not sure that the other property owners would want to take on another layer of taxes. Mr. Haglund stated that without the agreement of the entire subdivision he did not think they would get very far with annexation.

In response to question by Mayor Bronaugh, Mr. Haglund stated that the home is getting their water service from the City at a higher rate.

In response to question by Councilmember Boyd, Mr. Haglund stated that the three houses on Freeman Street are inside the City limits and the Burke Center Home faces Freeman Street but is further off the street, and is set back further than the City line. Mr. Haglund stated that the Burke Center Home's driveway and gate are on City property but the house itself is outside the City line. Mr. Haglund stated that the house is built 6 to 8 feet beyond the City line.

Mr. Haglund passed around a rough draft of the plat to Councilmembers.

City Manager Maclin stated that if the Burke Center Home is annexed it will be tax exempt.

Councilmember Boyd stated that he did not see any problem with the City providing garbage service to the Burke Center since it is right at the City limit line.

Councilmember Bowman asked if Mr. Haglund would be coming back to ask for sewer service, and Mr. Haglund stated that the Burke Center facility had installed a septic system that meets standards.

Councilmember Gorden asked if there were similar situations in the City and the City Engineer stated that there was a strong possibility that there are.

Mr. Haglund stated that he was not consulted about the actual staking of the slab and would have had some different ideas if he had been consulted.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that request of Wayne Haglund on behalf of a facility owned by the Burke Center located at 3224 Freeman Street for City garbage service be approved as requested.

The following vote was recorded:

Aye: Councilmembers Boyd, Weems, Simond, and Mayor Bronaugh

Nay: Councilmembers Gorden and Bowman

Mayor Bronaugh stated that motion carried with a 4 to 2 vote.

Councilmember Simond asked if this means that the door is now open for other people to come in with the same request and expect to get the same results. Mayor Bronaugh stated that this is unique in that part of the property is in the City and part of it is out, but, theoretically, yes. Councilmember Weems stated that he could not support a request such as this if part of the property were not in the City.

Councilmember Simond stated that, in his opinion, the Council does a lot of things that will eventually get them in a lot of trouble. Councilmember Simond stated that he had a lot of people that he is going to bring down and let them ask for garbage service since they are already on City water.

11a. BID - APPROVED - 30" PIPE - WATER UTILITIES DEPARTMENT - UNITED STATES PIPE

Mayor Bronaugh stated that the next item for consideration was bids for 30" pipe to

be used by the Water Utilities Department.

City Manager Maclin stated that included in the Council packet is the bid tabulation which includes five bids for this item. City Manager Maclin stated that the staff recommendation is to award the low bid of U. S. Pipe and Foundry Company in the amount of \$75,810.

In response to question by Councilmember Boyd, City Manager Maclin stated that this pipe is for use on North Martin Luther King Drive from Kurth Drive up to the water treatment plant.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that bid of United States Pip and Foundry Company in the amount of \$75,810 be approved as submitted. A unanimous affirmative vote was recorded.

11b. BID - APPROVED - FOREST CONSULTANT - UNDEVELOPED ACREAGE - KIT McCONNICO PARK - DAVIS FORESTRY & ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was bids for a forest consultant for the undeveloped acreage at Kit McConnico Park.

City Manager Maclin stated that sometime back the Tree Board discussed various aspects of City Parks, one of which involves the timbered area at Kit McConnico and they recommended that staff seek the services of a forestry consultant to assist in some type of management for this undeveloped forestry area that would include selective harvesting of trees to enhance that area, as well as to have some resources that could be put back into the park. City Manager Maclin stated that proposals were sought for a forestry consultant to assist staff and two proposals were received. City Manager Maclin stated that staff recommendation is to award the contract to Davis Forestry & Associates. City Manager Maclin stated that a letter from Mr. Hannabas has been included in the Council packet regarding this bid and stating why staff feels that Mr. Davis should be the one the City should award the contract to.

In response to question by Councilmember Gorden, City Manager Maclin stated that the Tree Board gave staff the information to draw up the proposal documents and names to be contacted for proposals.

In response to question by Mayor Bronaugh, Mr. Hannabas stated that there are 289 acres in the whole park and that the timber on this property had been harvested just prior to the City's acquisition in 1971-1972. Mr. Hannabas stated that staff recommendation is to do selective thinning on the pine planation, taking out trees that are stunted or damaged. Mr. Hannabas stated that Mr. Davis states in his proposal that the City will not realize any money from this thinning, but will in the future.

In response to question by Councilmember Boyd, Mr. Hannabas stated that the acreage is 77 acres that are predominantly pine to be thinned, and 80 acres that are mixed hardwood and pine. Mr. Hannabas stated that there has been discussion in regard to clearing the mixed hardwood and pine and then replanting it as a pine plantation. Mr. Hannabas stated that he is suggesting that the Tree Board be allowed in the discussions regarding the clearing and replanting. Mr. Hannabas stated that the sale of the timber would be something that would be considered by the Council. Mr. Hannabas stated that because this property was purchased in 1971 with Bureau of Outdoor Recreation money through Texas Parks & Wildlife, any revenue that is raised has to be spent on this particular park.

In response to question by Councilmember Gorden, City Manager Maclin stated that there are two members of the Tree Board who are on the City Council and perhaps they could be the liaison and bring a report back to Council. Councilmember

Weems stated that he and Councilmember Betty Jones are members of the Tree Board.

Mayor Bronaugh stated that other than softball fields there is also an archery range. Councilmember Bowman asked if a walking trail could be utilized at this park. Mr. Hannabas stated that he would like for the Master Plan Advisory Committee to enter some discussions as to what would be suitable for this park. Mr. Hannabas stated that the property is large enough to be a regional type park and has some rolling hills that could be used for a golf course, equestrian center, riding trails, etc.

Mayor Bronaugh stated that the City has a nature trail on the other side of Ellen Trout Lake that he would like to see developed further.

Councilmember Weems stated that it was the Tree Board's recommendation that the timber be managed by the forester, and go ahead and cut the timber that is not productive to allow for future growth.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Davis Forestry & Associates be hired as the forestry consultant for Kit McConnico Park. A unanimous affirmative vote was recorded.

12. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:57 p.m. to enter into Executive Session. Mayor Bronaugh reconvened the meeting at 6:05 p.m. and stated that Council had discussed attorney/client matters and appointments to the Planning & Zoning Commission.

13. APPOINTMENT - APPROVED - PLANNING & ZONING COMMISSION - DEBBIE JOHNSTON

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Debbie Johnston be appointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

14. COMMENTS

Councilmember Bob Bowman asked that staff make an effort to get the three nature trails, Azalea Trail, Angelina College Trail, and the Ellen Trout Park Trail included in the Texas Woodlands Trail Program.

City Manager Maclin stated that this Thursday the Board of Development will meet at 2:00 p.m. at City Hall.

City Manager Maclin stated that this Friday the County Commissioners and Chamber of Commerce staff will meet to review the Tax Abatement Policy.

Mayor Bronaugh stated that the Christmas lighting ceremony took place last Saturday afternoon at the County Court House. Mayor Bronaugh reminded Councilmembers of the Christmas parade this Saturday at 1:00 p.m.

15. There being no further business for consideration, meeting adjourned at 6:08 p.m.


Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary