

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

On the 18th day of March, 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:

Don Boyd	Mayor pro tem
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
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, and

Louis Bronaugh	Mayor
Percy Simond	Councilmember, Ward No. 1
Darryl Mayfield	Asst. City Manager/Finance

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Dewey Bowen, Pastor, First Presbyterian Church-USA.

2. Mayor pro tem Boyd welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of March 4, 1997 be approved as presented. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - ANNEXATION - WHITE HOUSE DRIVE - BRENTWOOD DRIVE - CHESTNUT STREET**

Mayor pro tem Boyd opened Public Hearing to consider the request to annex approximately 428 acres of land generally located south of White House Drive, north and east of Brentwood Drive and west of Chestnut Street (Highway 58).

City Manager Maclin stated that included in the Council packet is an explanation stating that this was initiated with an original 64 acre request for annexation, and after review the Council and staff proposed a 428 total acre annexation. City Manager Maclin stated that also included is the service plan for provision of City services.

In response to a question by Mayor pro tem Boyd, City Manager Maclin stated that initially the annexation was by request for a subdivision.

David Shirley stated that he owns 62.46 acres just south of White House Drive and had asked the City to annex this property. Mr. Shirley stated that, in his opinion, development of this area would be a positive for the City of Lufkin for future

growth due to its location in proximity to the Mall and thoroughfares in this area.

Charles (Dubby) Perry stated that he was against the total annexation of 428 acres. Mr. Perry stated that according to the letter he received (from the City) the annexation was being done to protect the Public Utility system. Mr. Perry stated that he did not understand how annexation of this property would protect the public utility system when a number of people already owned their septic systems that were certified by the County. Mr. Perry stated that these septic systems were installed at a great cost and they were in compliance. Mr. Perry stated that the letter stated that another reason for the annexation was "property values through controlled growth", and in the 20 years he had resided in this area the property values had gone up every year. Mr. Perry stated that there has not been a problem with property values. Mr. Perry stated that being annexed would infringe upon his freedom since he can target shoot, fire B-B guns, rifles and fireworks, which is allowed outside the City limits. Mr. Perry stated that he is not opposed to Mr. Shirley's request for annexation. Mr. Perry stated that the property owners that are against the total annexation comprise over a fourth of the total acres, probably 15 property owners. Mr. Perry stated that this involves over 100 acres. Mr. Perry stated that he is preparing a petition to present to Council at the next Public Hearing.

Marcielle Pauling stated that she and her children own 28.89 acres on Brentwood, which is timberland, and she is opposed to that part being annexed. Mrs. Pauling stated that she is not opposed to the subdivision.

J. L. Bell stated that he owns 64 acres and he was not necessarily for the total annexation, but was willing for his part to be taken in. Mr. Bell stated that he is far good, clean sanitation. Mr. Bell stated that he would like to see each boy and girl have the same kind of protection that is provided for in the City limits. Mr. Bell stated that he is for progress and he is willing for his property to be annexed.

Leslie O'Neal stated that she and her husband own 14 1/2 acres and they are not willing to be annexed for the same reasons Mr. Perry stated earlier. Mrs. O'Neal stated that they have bought and paid for their septic system, which meets sanitary conditions. Mrs. O'Neal stated that their lives would not be improved by the annexation. Mrs. O'Neal stated that they already have all the services the City could offer at a much lower rate, as well as having the freedom to enjoy their property and use it as they wish without City regulations. Mrs. O'Neal stated that the residents are getting along just fine and would like to keep things that way. Mrs. O'Neal stated that most of the residents see this annexation as a big increase in cost and taxes. Mrs. O'Neal stated that most of the residents have agricultural exemptions on their property because they raise timber. Mrs. O'Neal stated that some people raise horses; it is very much a country lifestyle. Mrs. O'Neal stated that they have more acreage than most City lots because they want to live in the country. Mrs. O'Neal stated that she is very much opposed to this request.

Billy J. Stovall stated that he owned a little over four acres of the property that has been proposed for annexation. Mr. Stovall stated that when he retired from the Navy in 1973 he came back to Lufkin with the idea that he would live in the country. Mr. Stovall stated that at that time the City limits was located on Harmony Hill but it has been progressing further and further. Mr. Stovall stated that he too had invested \$3,800 in a septic system which will be wasted if he is annexed into the City limits. Mr. Stovall stated that he was sure that the City would not reimburse him for his septic system. Mr. Stovall stated that he was concerned about the letter he received from the City saying that "due to recent requests by property owners", and he would probably never know who the other property owners were. Mr. Stovall stated that he was against the annexation.

City Manager Maclin asked Mr. Stovall to provide the Planning Department with his questions and Mr. Abraham would provide a written response to him.

Orpha McCall, who owns approximately 19 acres in the area proposed for

annexation, stated that her property is in a tree farm. Mrs. McCall stated that she was opposed to the annexation and would rather that her property stay as a tree farm for harvesting.

City Attorney Bob Flournoy stated that the fact that the property would be in the City limits after annexation does not prevent the property owner from claiming their agricultural or timber exemption. Mr. Perry stated that he had recently went to the Appraisal District and asked them about the timber exemption and they said that if City amenities are provided they would take a look at the property and there is a possibility that the property would be re-appraised at a higher rate, at the market value and not at the agricultural rate, which is considerably higher. Mr. Flournoy stated that the Appraisal District will look at the size of the tract, and if it is only four acres like Mr. Stovall owns, they probably would not have let you have the exemption in the first place. Mr. Flournoy stated that it has been his experience that if the property qualified in the first place, it would be allowed to remain once the property was annexed into the City.

Mrs. Pauling stated that one of the things she is uncertain about is what is expected of her if the property is annexed.

Joe Molandes, who lives on Brentwood Drive across from the Arrangement Apartments, stated that the City extended water lines on Brentwood and he got on the City water. Mr. Molandes stated that he was also able to get connected to gas service, and when the sewer line was laid in front of his house he tried to get sewer. Mr. Molandes stated that the property owners wanted City sewer but not to be in the City limits. Mr. Molandes stated that he has a \$3,500 septic system on his one and a half acres and did not know what would happen to the septic system if he was annexed. Keith Wright, City Engineer, stated that when he was approached by Mr. Molandes he told him that the City policy was that he could not attach onto the sewer without City Council approval and that he was not in the City limits at that time. Mr. Molandes stated that he did not need the sewer but had signed a petition to help his neighbors in the area.

Mrs. O'Neal stated that she wanted to add that most of the residents were not opposed to the developers property being annexed into the City if it is left at that. Mrs. O'Neal stated that Brentwood Drive was recently improved by the State, and is very congested in that area due to the addition of two fast food restaurants, Wal-Mart traffic, and White House Drive is not the best road, and with 64 additional cars there will be a real traffic problem. Mrs. O'Neal stated that if the City does consider annexing the developers property she hopes that the Council will take all of these other things into consideration, because something will need to be done.

Mayor pro tem Boyd closed Public hearing. Mayor pro tem Boyd stated that a Second Public Hearing will be held on April 1st at 5:00 p.m.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL SMALL FAMILY TO COMMERCIAL - 101 A NORTH TIMBERLAND DRIVE - LONG BELL LUMBER COMPANY, ADDITION NUMBER 2 - OSCAR HIGHTOWER - DEAN LEGGETT

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RS" Residential Small Family to "C" Commercial on lots 13 through 15 of the Long Bell Lumber Company Addition Number 2, including the abandoned alley, and generally located at 101 A North Timberland Drive as requested by Dean Leggett on behalf of Oscar Hightower.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Ordinance to change the zoning from "RS" Residential Small Family to "C" Commercial on lots 13 through 15 of the Long Bell Lumber Company Addition Number 2, including the abandoned alley, and generally located at 101 A Timberland Drive as requested by Dean Leggett on behalf

of Oscar Hightower be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded

6. ORDINANCE - APPROVED - SECOND READING - ALLEY CLOSING - CONN STREET - EAST KERR - SOUTH THIRD - CHARLTON

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance to close an alley bounded by Conn Street, East Kerr, South Third and Charlton.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that the Ordinance to close the alley bounded by Conn Street, East Kerr, South Third and Charlton be approved on Second and Final Reading as presented for the appraised value of \$6,280. A unanimous affirmative vote was recorded.

7. RESOLUTION - APPROVED - TEMPORARY CLOSURE OF STATE HIGHWAYS - 1997 BENEFIT RODEO PARADE AND DOWNTOWN HOE DOWN

Mayor pro tem Boyd stated that the next item for consideration was a Resolution authorizing the City to enter into an agreement with the State for temporary closure of State Highways for the 1997 Benefit Rodeo Parade and Downtown Hoe Down.

City Manager Maclin stated that part of the new process in order to use a State owned or maintained street or right-of-way requires this Resolution by Council to be submitted to the Texas Department of Transportation. City Manager Maclin stated that in this particular instance it is referring primarily to First Street. City Manager Maclin stated that if Council approves this Resolution tonight it can be forwarded on to TxDOT tomorrow for inclusion in the City's request for both the Hoe Down and the Rodeo Parade.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Resolution authorizing the City to enter into an agreement with the State for temporary closure of State Highways for the 1997 Benefit Rodeo Parade and Downtown Hoe Down be approved as presented. A unanimous affirmative vote was recorded.

8. REQUEST - WITHDRAWN - APPEALING OF PLANNING & ZONING COMMISSION'S DECISION - TEMPORARY MOBILE HOME PERMIT - DORIS DAVIS - 1507 KELTYS

Mayor pro tem Boyd stated that the next item for consideration was the request of Doris Davis to appeal the Planning & Zoning Commission's decision to deny the renewal of a Temporary Mobile Home Permit at 1507 Keltys.

City Manager Maclin stated that this request had been withdrawn by the applicant.

9. AUTHORIZATION - WITHDRAWN - USED POLICE VEHICLES - SHERIFF'S OFFICE

Mayor pro tem Boyd stated that the next item for consideration was authorization to sell used Police vehicles to the Sheriff's office.

City Manager Maclin stated that this request had been withdrawn by the applicant.

10a. BID - APPROVED - PICKUP TRUCKS - WATER UTILITIES DEPARTMENT - SOLID WASTE DEPARTMENT - PEGUES-HURST FORD

Mayor pro tem Boyd stated that the next item for consideration was bids for pickup trucks to be used in the Water Utilities Department and the Solid Waste Department.

City Manager Maclin stated that included in the Council packet is a memo from the Assistant City Manager and a listing of the bid tabulation. City Manager Maclin stated that staff recommendation is to award the low bid of Peuges-Hurst Ford in the amount of \$15,400 for the regular cab pickup and \$16,600 for the extended cab pickups. City Manager Maclin stated that these are budgeted within the Depreciation Fund for the 1996-'97 budget and are within the amount appropriated for these vehicles.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Tucker Weems that bid of Pegues-Hurst Ford in the amount of \$ 15,400 for the regular cab truck and \$16,600 for the extended cab truck be approved as submitted. A unanimous affirmative vote was recorded.

10b. BID - APPROVED - DUMP TRUCKS - WATER POLLUTION CONTROL DEPARTMENT - WATER UTILITIES DEPARTMENT - LONE STAR TRUCK CENTER

Mayor pro tem Boyd stated that the next item for consideration was bids for dump trucks for the Water Pollution Control Department and the Water Utilities Department.

City Manager Maclin stated that these are the trucks that are used at the Waste Water Treatment Plant to haul the sludge to the City's land application sites. City Manager Maclin stated that at the budget presentations last year a video of how the trucks are rusting out was shown. City Manager Maclin stated that these trucks are also included in this year's budget and are within the appropriated funds. City Manager Maclin stated that staff recommendation is the low bid of Lone Star Truck Center in the amount of \$64,213.18 for the 14 to 16 yard truck and \$33,003.84 for the 5 to 6 yard dump truck.

In response to question by Councilmember Gorden, City Manager Maclin stated that these trucks are manufactured by Volvo.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that bid of Lone Star Truck Center in the amount of \$64,213.18 for the 14 to 16 yard dump truck and \$33,003.84 for the 5 to 6 yard dump truck be approved as submitted. A unanimous affirmative vote was recorded.

10c. JANITORIAL CONTRACT RENEWAL - APPROVED - GOODWILL INDUSTRIES

Mayor pro tem Boyd stated that the next item for consideration was the renewal of the janitorial contract with Goodwill Industries.

City Manager Maclin stated that included in the Council packet is a memo from the Assistant City Manager stating staff's request and recommendation that the contract with Goodwill Industries be renewed for floor care. City Manager Maclin stated that the bid submitted by Goodwill Industries is \$40,378.89, and there is a total of \$46,000 allocated in this particular line item.

In response to question by Councilmember Bowman, City Manager Maclin stated that staff has gone out for bids in previous years but because this is under the Human Resource Code, Chapter 122, the City is able to seek proposals from a non-profit State agency. City Manager Maclin stated that staff has been pleased with the quality of service provided by Goodwill Industries, and it has been the best service that he has seen in the six years that he has been with the City.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that the janitorial contract with Goodwill Industries be renewed with a 12% increase over last year for the amount of \$ 40,378.89. A

unanimous affirmative vote was recorded.

11. EXECUTIVE SESSION

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that items that were scheduled to be discussed in Executive Session (appointments to the Animal Control Facility Development Committee and the condemnation of property for a public parking lot) be rescheduled until all members of the Council could be present. A unanimous affirmative vote was recorded.

12. COMMENTS

Councilmember Weems stated that there is one item in the budget that is over by \$600,000 on expenditure. Councilmember Weems stated that in the Solid Waste Disposal Fund we have budgeted for an annual figure of \$340,000, and we spent \$821,000 in this category. Councilmember Weems stated that he would like to know what the difference is. City Manager Maclin stated staff will find the answer and will fax it to all the Councilmembers. Councilmember Weems stated that there is another item which is approximately \$300,000 over the total in the Solid Waste Fund, too. Councilmember Weems stated that other than those two items, the budget looked good.


City Manager Maclin stated that the ribbon cutting for the Azalea Trail will be held at 8:30 a.m. Saturday, April 22, at the Grace Dunn Richardson Park.

13. There being no further business for consideration, meeting adjourned at 5:35 p.m.

ATTEST:



Atha Stokes - City Secretary



Don E. Boyd - Mayor pro tem