

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
15TH DAY OF SEPTEMBER 1998 AT 5:00 P. M.

On the 15th day of September, 1998 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. Broughton	Mayor
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth Williams	Director of Public Works

being present, and

Tucker Weems	Councilmember, Ward No. 6
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Robert L. Session, Pastor, Goodwill Missionary Baptist Church.

2. Mayor Broughton welcomed visitors present, and recognized members of the Leadership Lufkin Class of 1998-'99.

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 September 1, 1998 be approved as presented. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - ANNEXATION REQUEST - N. JOHN REDDITT DRIVE (LOOP 287) - HIGHWAY 69 - DEAN LEGGETT/TEXAS SURVEYING ASSOCIATES - WAYNE COOK - ROYCE WILLIAMS**

Mayor Broughton opened Public Hearing to consider the request of Dean Leggett of Texas Surveying Associates on behalf of Wayne Cook and Royce Williams to annex approximately 8.643 acres of land generally located southwest of the intersection of N. John Redditt Drive (Loop 287) and Highway 69.

No one spoke for or against the annexation.

Mayor Broughton closed Public Hearing.

5. **ORDINANCE - APPROVED - SECOND READING - SCHOOL CROSSING SPEED LIMITS - DESIGNATED HOURS**

Mayor Broughton stated that the next item for consideration was Second Reading of an Ordinance amending school crossing times.

Motion was made by Councilmember Don Boyd and seconded by Councilmember

Bob Bowman that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL SMALL SINGLE FAMILY TO LIGHT MANUFACTURING - CLARK ADDITION - N. RAGUET - AUSTIN STREET - TOM BILLINGSLEY - GENCO INDUSTRIES OF LUFKIN

Mayor Bronaugh stated that the next item for consideration was the request of Tom Billingsley on behalf of Genco Industries of Lufkin to change the zoning from "RS" Residential Small Single Family to "LM" Light Manufacturing on Lots 14 through 16, Block 5 of the Clark Addition and Tract 19, Abstract A-40 of the J. L. Quinalty Survey located at the southeast corner of N. Raguet and Austin Street.

City Manager Maclin stated that this item was part of the Planning and Zoning Commission meeting that met yesterday, and the minutes from that meeting were on the Council table for items 6, 7 and 8. City Manager Maclin stated that item 6 comes to the Council from the Planning & Zoning Commission with a 3 to 1 vote recommendation for approval.

Stephen Abraham, Director of Planning, stated that at last night's meeting there were a number of neighbors from the area who came and voiced their opinion that they would prefer that the zoning not be changed. Mr. Abraham stated that the neighbors were opposed to the reopening of any facility in the Genco building. Mr. Abraham stated that the Planning Department expressed to the Planning & Zoning Commission that the Comprehensive Plan indicates that that land should be industrial, and explained that the four lots in question are actually inside the fence of the existing grounds of the Genco building. Mr. Abraham stated that there are four platted lots served by right-of-way but not by a paved street. Mr. Abraham stated that the street ends at the last house along Houston Street. Mr. Abraham stated that attachment 4-a shows the lot (#8), which is the last residential structure on Houston Street. Mr. Abraham stated that one point he tried to make was that in zoning restrictions one thing you are not allowed to do is deprive a property owner of all reasonable use of their property. Mr. Abraham stated that in this case it is the Planning Department's opinion that without a street to serve these four lots and the fact that they are within the fenced area with a railroad running across the back of this property, it does not seem reasonable to restrict that property to residential usage only. Mr. Abraham stated that some of the neighbors stated that these four lots had always been a part of the Genco operation, and it is unclear whether this property was a non-conforming situation.

In response to question by Mayor Bronaugh, Mr. Abraham stated that if the property is in operation prior to the time that zoning is put in place, it will be considered "grandfathered" or a non-conforming use. Mr. Abraham stated that you would then be allowed to operate unless you discontinued the use for six months or longer.

Mr. Billingsley was present and stated that he would be happy to answer any questions.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zone from "RS" Residential Small Single Family to "LM" Light Manufacturing on Lots 14 through 16, Block 5 of the Clark Addition and Tract 19, Abstract A-40 of the J. L. Quinalty Survey located at the southeast corner of N. Raguet and Austin Street as requested by Tom Billingsley on behalf of Genco Industries of Lufkin be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - APARTMENT TO RESIDENTIAL SMALL SINGLE FAMILY - OLD UNION ROAD - LIVE OAK LANE - RICK AINSWORTH - R. H. DUNCAN CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was the request of Rick Ainsworth of R. H. Duncan Construction to change the zoning from "A" Apartment to "RS" Residential Small Single Family on approximately 2.774 acres of land located at the southeast corner of the intersection of Old Union Road and Live Oak Lane.

City Manager Maclin stated that the Planning & Zoning recommendation and memorandum from the Planning Department was on the Council table. City Manager Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends the zone change be approved.

Mr. Abraham stated that there was not a great deal of discussion on this item. The discussion that took place was related to the density of what would be allowed if the property remained residential, and would single family dwellings be allowed. Mr. Abraham stated that the number of units that Mr. Ainsworth planned was discussed, which was 13 units.

In response to question by Councilmember Gorden, Mr. Abraham stated that single family dwellings could be built in an Apartment zoning classification but it requires a 60' wide lot and Mr. Ainsworth feels that he would prefer a smaller lot width.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that Ordinance to change the zoning from "A" Apartment to "RS" Residential Small Single Family on approximately 2.774 acres of land located at the southeast corner of the intersection of Old Union Road and Live Oak Lane as requested by Rick Ainsworth of R. H. Duncan Construction be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO LOCAL BUSINESS - MCKINNEY AND WILLIAMS SURVEY - WHITE HOUSE DRIVE - RODNEY MOORE - DAVID SHELTON - GARY LETNEY - LEONARD AVERY - CHERYL TEUTCH

Mayor Bronaugh stated that the next item for consideration was the request of Rodney Moore on behalf of David Shelton, Gary Letney, Leonard Avery and Cheryl Teutch to change the zoning from "RL" Residential Large Single Family to "LB" Local Business on Tracts 106, 107, 127 and 128, Abstract A-463 of the McKinney & Williams Survey and generally located at 118, 120, 128 and 130 White House Drive.

City Manager Maclin stated that the documentation for this item was on the Council table. City Manager Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends the zone change be approved.

Mr. Abraham stated that the limited discussion revolved around the preceding meeting where the appropriate area was discussed for non-residential uses. Mr. Abraham stated that the Planning & Zoning Commission confirmed that this was in keeping with what the Planning & Zoning Commission, and later the City Council, had determined. Mr. Abraham stated that there was no one in opposition at the meeting.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zone from "RL" Residential Large Single Family to "LB" Local Business on Tracts 106, 107, 127 and 128, Abstract A-463 of the McKinney & Williams Survey and generally located at 118, 120, 128 and 130 White House Drive as requested by Rodney Moore on behalf of David Shelton, Gary Letney, Leonard Avery and Cheryl Teutch be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - WAIVER - KIWANIS CLUB - TURKEY SHOOT - UNITED PENTECOSTAL CAMPGROUND

Mayor Bronaugh stated that the next item for consideration was a Resolution for a waiver for the Kiwanis Club's turkey shoot at the United Pentecostal Campground.

City Manager Maclin stated that included in the Council packet is a letter of request from the president of the Kiwanis Club, Joe Havard, a memo from Chief Collins, and a proposed Resolution. City Manager Maclin stated that the Kiwanis Club has been having this fund raising event on the Pentecostal Campground for many years, and the area was annexed two years ago, which meant that the activity would be in conflict with the City's Ordinance regarding firearms. City Manager Maclin stated that last year the Council granted a Resolution to allow for this waiver on a one day basis, and the Kiwanis Club is back again this year to make the same request.

Mayor Bronaugh thanked those members of the Kiwanis Club who were present for all the contributions they make to the Zoo and other City projects.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Resolution for a waiver for the Kiwanis Club's turkey shoot at the United Pentecostal Campground be approved as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - JUVENILE BLOCK GRANT - JUVENILE CRIME ENFORCEMENT COALITION - ANGELINA COUNTY

Mayor Bronaugh stated that the next item for consideration was a Resolution for a Juvenile Block Grant for the purpose of a Juvenile Crime Enforcement Coalition for Angelina County.

City Manager Maclin stated that included in the Council packet is a memo from Chief Collins noting that the City of Lufkin had been awarded a juvenile justice block grant in the amount of \$11,023. City Manager Maclin stated that Chief Collins is proposing that the City pledge this grant to a Juvenile Crime Enforcement Coalition for Angelina County, which is represented in the Resolution, and basically is in support of various projects such as the STAR bootcamp program. City Manager Maclin stated that basically staff is wanting to take the Federal grant that the City has been given and apply it to a larger grant for the County as a whole.

Chief Collins stated that what he is proposing is to take the money the City has been given and combine it with the money the County is getting and form a coalition and let Steve Spencer write one grant request rather than writing separate requests for the two different agencies. Chief Collins stated that that money will then be pledged to support the STAR bootcamp because it is the single most effective juvenile program in the County at this time and they are running short of funds. Chief Collins stated that he understands that the School District will pay the match fund, and it will not cost the City anything.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Resolution for a Juvenile Block Grant for the purpose of a Juvenile Crime Enforcement Coalition for Angelina County be approved as presented. A unanimous affirmative vote was recorded.

11. ~~PROCESS FOR DESIGNATION OF ABANDONED PROPERTY - APPROVED - CRIME SCENE DIVISION - POLICE DEPARTMENT~~

Mayor Bronaugh stated that the next item for consideration was approval of a process for designation of abandoned property for use in the Crime Scene Division of the Police Department.

City Manager Maclin stated that included in the Council packet is a memo from Asst. City Manager James Hager referencing Council minutes and action on February 7, 1995 where the Council allowed a periodic sale of abandoned property and confiscated weapons. City Manager Maclin stated that there was other discussion that staff was not able to as clearly document regarding the use of these proceeds for the Crime Scene Fund. City Manager Maclin stated that this is not to be confused with the forfeited assets fund which is related to drug confiscations and is a separate fund with separate accountability to the County and District Attorney's office. City Manager Maclin stated that these are things such as bicycles that do not get claimed or weapons that are lost and found and are not claimed. City Manager Maclin stated that from time to time there are joint sales auctions with the County because the economies of scale draws more people to the auction. City Manager Maclin stated that the portion of this that staff felt like needed Council's consideration today was a clear delineation of the use of these proceeds for the Crime Scene Fund. City Manager Maclin stated that if Council is in concurrence, staff would like to adopt that specific authority of the memo from Mr. Hager to have a clean audit trail in the future for the auditors.

Chief Collins stated that he came to Council in 1997 and requested permission to sell some guns and property in the Police Property Room with the intent of using those funds to create the Crime Scene Unit. Chief Collins stated that was approved and the City's part of the sale was approximately \$19,000, and a little over \$16,000 of that money has been spent to rebuild the 1988 model van and make it a mobile crime scene unit. Chief Collins they stripped out the inside of the van and built shelves and cabinets, bought cameras, special lights to help find evidence, finger print supplies, etc. Chief Collins stated that they equipped the Crime Scene Unit so that the Police Department now has a very well equipped crime scene unit that can respond to any type of situation that happens in the City. Chief Collins stated that he would like to make the designation of abandoned property for use in the Crime Scene Division a permanent procedure so that they can maintain the Crime Scene Unit without having to come back to Council every budget year to update the equipment. Chief Collins stated that he is requesting that Council allow the Police Department to have these periodic sales and put the money into this special account to maintain the crime scene unit and the crime scene effort.

In response to question by Councilmember Boyd, Chief Collins stated that he anticipates having these sales whenever the room fills up.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that the process for designation of abandoned property for use in the Crime Scene Division of the Police Department as herein stated: "Authority: Revenues received from abandoned property auction or sale shall be recorded in a separate account to be used specifically for purchase of Crime Scene equipment necessary for the performance of the Crime Scene Division of the Police Department. Approval for expenditure of these funds rests with the City Manager", be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - TEXAS LOCAL GOVERNMENT STATEWIDE PURCHASING COOPERATIVE MEMBERSHIP

Mayor Bronaugh stated that the next item for consideration was a Resolution for joining the Texas Local Government Statewide Purchasing Cooperative.

City Manager Maclin stated that included in the Council packet is a memo from David Cochran, Purchasing Director, along with a Resolution to provide for Council's approval for participation in joining the Texas Local Government Statewide Purchasing Cooperative. City Manager Maclin stated that this will be an opportunity for the City to take advantage of the State Government Contracts that State agencies use, and to use current technology to access that through the Internet. City Manager Maclin stated that this will allow staff to go to a site on the Internet and compare prices with local vendors, and in some cases items that we cannot

purchase locally we can make the purchases via the Internet. City Manager Maclin stated that Mr. Cochran had received some beta test software several months ago and tested it to see its potential effect and use for the City. City Manager Maclin stated that it is staff's opinion that this will provide another vehicle to continue to find the most cost effective price to stretch the taxpayers dollar to the greatest extent possible and to do it in a timely, effective manner by utilization of the Internet.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the City will still have HGAC as an option to compare and this option, as well as local vendors. City Manager Maclin stated that this is a program AMBAC started working on over 18 months ago, and has demonstrated the program at TML conferences. The program has now been endorsed by the Texas Municipal League.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Resolution for membership in the Texas Local Government Statewide Purchasing Cooperative be approved as presented. A unanimous affirmative vote was recorded.

13. RESOLUTION - APPROVED - TEXAS REGIONAL AIR SERVICE TASK FORCE - ECONOMIC STUDY - TEXAS AIR CARRIER AIRPORTS

Mayor Bronaugh stated that the next item for consideration was a Resolution supporting the Texas Regional Air Service Task Force to study the economic impact of air service to small and non-hub Texas air carrier airports.

City Manager Maclin stated that several months back a committee was formed out of the Angelina County Economic Development Partnership and the Nacogdoches County Economic Development Partnership to study long range joint projects for supporting each other, and one of those areas was commercial air service. City Manager Maclin stated that he and Ronnie Robinson had attended several meetings over the past several months to participate in a study through the Texas Department of Transportation/Aviation Division regarding commercial air service in non-hub or smaller market communities.

Mr. Robinson stated that there are 26 cities participating in this study. Mr. Robinson stated that it has been recently discovered that the FAA has potentially gotten the money through the sharing of a grant from Wichita Falls, which has the money, for a \$400,000 study. Mr. Robinson stated that the study that he and Mr. Maclin are proposing will not only discuss the economic impact that a regional air service has to a community like Lufkin or Angelina County, but more importantly what the airports are actually looking for. Mr. Robinson stated that Nacogdoches and Lufkin have each had studies performed and they have been taken to the airlines. Mr. Robinson stated that the airlines have not responded favorably to the studies. Mr. Robinson stated that the City's participation will be 50% of what TxDOT will pay. Mr. Robinson stated that if this is a \$400,000 grant, they anticipate getting \$381,000 from the Wichita Falls airport that is a discretionary fund that they can give back to the FAA to grant this study. Mr. Robinson stated that TxDOT will have to come up with the other \$20,000 and they have asked each of the participating cities to fund the 50%, which is approximately \$650 to \$1,000 per city. Mr. Robinson stated that the partnership will either fund that amount or will ask that the City participate. Mr. Robinson stated that his and Mr. Maclin's input in this will require that the airlines that they are asking to determine whether or not there is a use for the Angelina County Airport, i.e., Continental, American Airlines, Delta, etc., be participants in this study to find out exactly what they are looking for as far as economic impact that they will perform and whether or not it is feasible for them to come to our airport. Mr. Robinson stated that if the FAA, through this funded study, carries this report to the airlines they in turn will say that it looks like Angelina County could use airline service and there is a viable option there and we are going to study it and accept the results, or they may come back and indicate that Angelina County Airport does not have sufficient number of implanements to justify having service here. Mr. Robinson stated that this study is a part of Senate

Bill 2279, which is in the Federal Congress at this time, and is being promoted to tell the airlines that Congress is looking at their marketing and looking at the regional air service in all the states across the country, not just in Texas.

Mr. Robinson stated that the Economic Development Partnership Board of Directors has prepared a Resolution similar to the one being considered by Council, and will send it to TxDOT so they can put it together in a packet and give it to the FAA and they in turn can say these 25 cities are in favor of the regional air service, and they would like to have this study and will earmark this \$381,000 funds for Wichita Falls, plus access each of the cities so that there is some buy-in on their part, and they will fund the study.

In response to question by Councilmember Jones, Mr. Robinson stated that at this point it seems certain that all of the 25 cities will participate in the study. Mr. Robinson stated that the cities of Nacogdoches and Lufkin are the only two cities participating in the study who do not have an airport, the other cities are there complaining that the air service is inadequate or the cost is cost prohibitive to have their passengers board the airline.

City Manager Maclin stated that one thing they learned through this process is that Continental has already made a commitment to convert all of their prop planes to jets. City Manager Maclin stated that American Airlines are going to convert a lot of their commuter prop planes to jets. City Manager Maclin stated that even if Lufkin could not meet the criteria for jet service, which typically requires a minimum of a 250 mile distance, there is going to be a lot of prop planes on the market in the not too distant future which could create a lot of new companies that could then provide the commuter service.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Don Boyd that Resolution supporting the Texas Regional Air Service Task Force to study the economic impact of air service to small and non-hub Texas air carrier airports be approved as presented. A unanimous affirmative vote was recorded.

14. COMMENTS

City Manager Maclin stated the City of Lufkin Day for Leadership Lufkin will be October 14th at the Civic Center. City Manager Maclin stated that the City will be hosting a lunch and invited all the Councilmembers to meet with the Leadership Lufkin participants where they will have an opportunity to visit with Councilmembers and ask questions about the City Council.


City Manager Maclin stated that the DETCOG meeting for this month will be on Thursday, September 24 in Woodville.

15. There being no further business for consideration, meeting adjourned at 5:50 p.m.



Louis A. Brounough
Mayor

ATTEST:



Atha Stokes - City Secretary