

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
17TH DAY OF FEBRUARY, 1998 AT 5:00 P. M.**

On the 17th day of February, 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 Bronaugh
Don Boyd
Percy Simond
Betty Jones
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Bob Flournoy
Atha Stokes
Keith Wright

Mayor
Mayor pro tem
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
City Attorney
City Secretary
City Engineer

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Robert L. Session, Pastor, Goodwill Missionary Baptist Church.
2. Mayor Bronaugh welcomed visitors present and recognized Lufkin High School government students Michael Goodwin, Jamie Gandy, Curtis Beckham, Travis LeBlanc, Christine Tilar, and Marie Espinoza.

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 February 3, 1998 be approved as presented. A unanimous affirmative vote was recorded.

4. **PROCLAMATION PRESENTED TO COUNCILMEMBER PERCY SIMOND, JR.**

Mayor Bronaugh presented a Proclamation to Councilmember Percy Simond, Jr. in commemoration of his 80th birthday.

5. **ORDINANCE - DENIED - FIRST READING - ZONE CHANGE - DUPLEX TO CENTRAL BUSINESS DISTRICT - 105 N. CHESTNUT STREET - BILLY S. LEE**

Mayor Bronaugh stated that the first item for consideration was the request of Billy S. Lee to change the zoning from "D" Duplex to "CB" Central Business at 105 N. Chestnut Street and described as Lot 6, Block 3 of the Shearer Addition and being located north of Lufkin Avenue, South of Margaret Street and east of Vann Street.

City Manager Maclin stated that this will be considered as a First Reading of the Ordinance since it was tabled at last meeting in order to have an opportunity to have all seven Councilmembers in attendance to hear this request. City Manager Maclin stated that this request comes to the City Council with a recommendation of denial from the Planning & Zoning Commission, therefore it will require six affirmative votes of the Council.

Billy Lee stated that he would like to take the Councilmembers over to the lot so they could see the Eckerd's, Albertson's, Boot City, and the Daily Messenger signs. Mr. Lee stated that he could not see how there could be any objection to the sign since it will not impede traffic or be in the way.

Councilmember Bowman stated that at the last meeting he abstained from voting because he felt there might be a conflict of interest. Councilmember Bowman stated that he had asked the City Attorney for a letter advising him if this would indeed constitute a conflict of interest and he is now convinced that his vote would not be a conflict of interest and he would vote on the issue.

Mayor Bronaugh stated that in order to over ride P&Z's recommendation it would take six affirmative votes from Council.

There was no objection from the audience.

Councilmember Boyd stated that at the last meeting he had stated that there are signs at the Albertson's store but they are across the street away from this area. Councilmember Boyd stated that in this area there are three or four small homes, and asked Council if they would like to walk out of their homes and look at a big sign every morning. Councilmember Boyd asked if Council would like it if someone put a big sign right next to their home. Councilmember Boyd stated that the people who live here need consideration even though they are living in a rent house.

Councilmember Gorden stated that as he stated before you can throw a rock to those other signs. (Councilmember Boyd stated that the signs were about two blocks away on Lufkin Avenue.) Councilmember Gorden stated that P&Z made this recommendation with two of their members absent and, in his opinion, it would have gone the other way if they had their full membership present. Councilmember Gorden stated that it continues to be a thorn in his side that the City Council has to have a 5/6ths vote, which means 6 out of 7 to over ride anything they do. Councilmember Gorden stated that, in his opinion, it was all right to put a billboard in this particular area. Councilmember Gorden stated that he empathized with the people who lived there but the property owners were contacted and there was no objections. Councilmember Gorden stated that, in his opinion, the City Council should over ride P&Z's objections and approve this request. Councilmember Boyd stated that Mr. Gorden said that the property owners were contacted, but the property owners do not live in this area, they are rent houses. Councilmember Boyd stated that because this is a low income area it is not acceptable to just put anything there. Councilmember Gorden stated that putting a billboard in this area would be in accordance with the Comprehensive Master Plan.

Councilmember Boyd stated that if he was not mistaken the rules that P&Z are governed by were approved by the City Council. Councilmember Boyd stated that it takes four affirmative votes to have an item approved by the City Council and four affirmative votes to have an item approved by the Planning & Zoning Commission and as long as there are five people there they could get four votes for an item to pass.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "D" Duplex to "CB" Central Business at 105 N. Chestnut Street and described as Lot 6, Block 3 of the Shearer Addition and being located north of Lufkin Avenue, South of Margaret Street and east of Vann Street be approved on First Reading as presented.

The following vote was recorded:

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

Motion failed for lack of six affirmative votes.

5. ORDINANCE - APPROVED - SECOND READING - CITY ELECTION - POLLING PLACES - SETTING ELECTION DATE

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance providing for the calling of a City election, establishing polling places and setting a date for the election.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance providing for the calling of a City election, establishing polling places and setting a date for the election be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - CITY ORDINANCE NO. 403 REVISED - REGULATION OF GREASE TRAPS

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance to revise City Ordinance No. 403 regulating grease traps for discharge from food service establishments; repealing all inconsistent ordinances; and providing an effective date.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to revise City Ordinance No. 403 regulating grease traps for discharge from food establishments; repealing all inconsistent ordinances, and providing an effective date be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - QUIT CLAIM CLOSURE AND SALE - APPROVED - ALLEY BOUNDED BY BYNUM STREET - MOORE AVENUE - BLEDSOE STREET - FRANK AVENUE

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance to close an alley bounded by Bynum Street, Moore Avenue, Bledsoe Street and Frank Avenue.

City Manager Maclin stated that staff has determined that there is no significant need for the City to continue to retain this alley. City Manager Maclin stated that Council had requested a professional appraisal and that has been provided on the Council table in the maroon binder. City Manager Maclin stated that Jake Lyons & Associates has appraised the alley at \$3 a square foot, 7,000 square feet total, for a total purchase price of \$21,000. City Manager Maclin stated that the buyer would have to pay the City \$21,000 in order to take possession and receive the deed and title to this alley.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Ordinance for closure and sale of an alley, appraised at \$21,000, bounded by Bynum Street, Moore Avenue, Bledsoe Street and Frank Avenue be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. COMMENTS

Councilmember Simond stated that he talked with Stephen Abraham and Mike Bieniek a couple of months ago about the big holes some contractors have dug off of Kurth Drive. Councilmember Simond stated that the contractor (Allen Loggins) has made a mess digging the dirt that he sells. Councilmember stated that the people in the area have complained because of a 60' drop there and they are afraid their house will eventually wash into the hole. Councilmember Simond stated that it was inconceivable to him that anybody in the City could dig a big hole in the land because they own the land. Councilmember Simond stated that he would like for some of the Council to drive over to this area some time and see it.

Councilmember Simond stated that he had just found out today that the people living in this area do not have natural gas in their house. Councilmember Simond stated that those people living north of Kurth Drive do not have natural gas but have butane gas. Mayor Bronaugh stated that staff would check this out and see what the franchise says.

Councilmember Gorden asked if there was enough damage in the City during the recent wind storm to be reimbursed. City Manager Maclin stated that obviously there had been a lot of expense for clean up purposes with overtime and extra shifts in the Solid Waste and Street Departments responding to citizen's needs. City Manager Maclin stated that these expenditures have been documented and is being provided both to State Representative Jim McReynolds and Congressman Turner for possible inclusion in any disaster declaration and there would be the potential of some possible reimbursement. City Manager Maclin stated that in terms of City facilities the picnic pavilion in Chambers Park and tennis court fencing were damaged by falling pine trees. City Manager Maclin stated that beyond that the City did not have any other expensive structural damage to any City buildings. City Manager Maclin stated that there were trees down in Kiwanis Park and the City park across the street. City Manager Maclin stated that the biggest impact to the City was the loss of power to the Water Treatment Plant which was regained at 1:00 a.m. that night and allowed the City to get back on line. City Manager Maclin stated that as a result of the power outage staff will be coming to Council in the not too distant future for a proposal for a generator so that the City will not be in that situation in the future. City Manager Maclin stated that staff is researching government surplus potential for acquisition of a diesel generator, and if we are not successful in finding something that will meet our needs there, staff will look at purchase prices.

City Manager Maclin stated that there were eight lift stations that were without power for 48 hours. City Manager Maclin stated that a contingency plan for generators at both the Water Treatment Plant and the lift stations is something that Council will see as a Decision Package this summer. Mayor Bronaugh stated that, in his opinion, that should not be a Decision Package. City Manager Maclin stated that this will be discussed at the Retreat in May.

City Manager Maclin reminded Councilmembers of the Called Council meeting on Wednesday, the 18th, at 10:00 a.m. City Manager Maclin stated that there was some preparatory materials on the Council table to give Council a preview of what will be discussed tomorrow. City Manager Maclin stated that there is a proposed list of items by fund for debt issuance. City Manager Maclin stated that Mike Byrd, the City's financial consultant from First Southwest, will be present tomorrow morning to address amortization by fund of each of these in terms of what type of increase would be required either for General Fund tax rate or Utility Fund water and sewer rate. City Manager Maclin stated that staff will discuss in more detail cost estimates and options relating to the replacement of the asbestos cement pipe within the City's distribution system.

9. There being no further business for consideration, meeting adjourned at 5:42 p.m.



Louis A. Bronaugh
Mayor

ATTEST:


Atha Stokes - City Secretary