

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF LUFKIN, TEXAS
HELD ON THE 21ST DAY OF SEPTEMBER, 1999 AT 5:00 P. M.

On the 21st day of September, 1999, 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
Bob Bowman
R. L. Kuykendall
Don Boyd
Jack Gorden, Jr.
Dennis Robertson
C. G. Maclin
James Hager
Atha Stokes Martin
Bob Flournoy
Keith Wright
Kenneth Williams
Stephen Abraham

Mayor
Mayor pro tem
Councilmember, Ward 1
Councilmember, Ward 2
Councilmember, Ward 5
Councilmember, Ward 6
City Manager
Asst. City Manager
City Secretary
City Attorney
City Engineer
Director of Public Works
Director of Planning

Being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Derrick Lewright, Associate Pastor, Trinity Baptist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the regular meeting of September 7, 1999 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

4. **TEXAS STATE FOREST FESTIVAL PROCLAMATION**

Mayor Bronaugh recognized Keith Green, Chairman of the Texas State Forest Festival. Mayor Bronaugh read a Proclamation in recognition of the Forest Festival, and presented it to Mr. Green.

Mr. Green stated that it was a great pleasure, on behalf of the Chamber, to be present and personally thank the City for the Proclamation, and for all the work the City has assisted the Chamber with in putting on this event. Mr. Green stated that this is the 15th annual Festival and has evolved in being one of the premiere events in this community providing a great opportunity for entertainment for the family. Mr. Green stated that this year's Festival will include the 28th annual Hush Puppies Olympics, a lumberjack show, a chain saw carving, and the pig races, which will be bigger and better this year. Mr. Green stated that there will be continuous entertainment throughout the week.

Mr. Green stated that he wanted to acknowledge the efforts of Jim McReynolds, our State Representative, for helping to make this the official State Forest Festival.

Mr. Green stated that Sheila Adams of the Convention Bureau had brought a gift for the Councilmembers.

5. **ORDINANCE - TABLED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - RICE R. TURNER SURVEY - TRACTS 1 AND 11 - LOOP 287 BETWEEN SOUTH CHESTNUT STREET AND PONDEROSA DRIVE - SYBIL DRIVE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Residential Large" to "Commercial"

on approximately 8.7 acres of land described as a part of Tracts 1 and 11 of the Rice R. Turner Survey (Abstract No. 718) and located south of Loop 287 between South Chestnut Street and Ponderosa Drive and approximately 400 feet east of Sybil Drive as requested by Alan Wade.

City Manager Maclin stated that staff had received a letter from Mr. Wade requesting that his zone change request be rescheduled to the next Council meeting in October when there would be a full Council present.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 7.34 acres (which includes a 50' buffer and has been reduced from the original request of 8.7 acres) of land described as a part of Tracts 1 and 11 of the Rice R. Turner Survey (Abstract No. 718) and located south of Loop 287 between South Chestnut Street and Ponderosa Drive and approximately 400 feet east of Sybil Drive as requested by Alan Wade be tabled until the next meeting of the Council on October 5. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO LOCAL BUSINESS - J. A. BONTON SURVEY - ABSTRACT NO. 5) - OLD GOBBLER KNOB ROAD AND LOOP 287

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Residential Large" to "Local Business" on approximately 0.414 acres of land described as Tracts 32 and 33 of the J. A. Bonton Survey (Abstract No. 5) and located at the northwest corner of the intersection of Old Gobbler Knob Road with the Loop 287 exit/frontage road.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "Residential Large" to "Local Business" on approximately 0.414 acres of land described as Tracts 32 and 33 of the J. A. Bonton Survey (Abstract No. 5) and located at the northwest corner of the intersection of Old Gobbler Knob Road with the Loop 287 exit/frontage road be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO CENTRAL BUSINESS - J. L. QUINALTY SURVEY (ABSTRACT NO. 40) - FEAGIN DRIVE AND SOUTH RAGUET STREET - PERSHING DRIVE - JUNIOR HIGH WEST

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Residential Large" to "Central Business" on approximately 13.54 acres of land described as Tract 148 of the J. L. Quinalty Survey (Abstract No. 40) and located between Feagin Drive and South Raguet Street, north of Pershing Drive and being the site formerly occupied by Junior High West.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "Residential Large" to "Central Business" on approximately 13.54 acres of land described as Tract 148 of the J. L. Quinalty Survey (Abstract No. 40) and located between Feagin Drive and South Raguet Street, north of Pershing Drive and being the site formerly occupied by Junior High West be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - NEIGHBORHOOD RETAIL & RESIDENTIAL LARGE TO NEIGHBORHOOD RETAIL - SPECIAL USE PERMIT (AUTOMOBILE SERVICE STATION) - BARTMESS DRIVE AND HIGHWAY 58 - POLK HOLDINGS, LTD.

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning on approximately 0.995 acres of land

located at the southeast corner of Bartmess Drive and F. M. Highway 58 from "Neighborhood Retail" & "Residential Large" to a "Neighborhood Retail" zoning district and to grant a Special Use Permit for an Automobile Service Station as requested by Polk Holdings, Ltd.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Ordinance to change the zoning on approximately 0.995 acres of land located at the southeast corner of Bartmess Drive and F. M. Highway 58 from "Neighborhood Retail" & "Residential Large" to a "Neighborhood Retail" zoning district and to grant a Special Use Permit for an Automobile Service Station as requested by Polk Holdings, Ltd. Be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - APARTMENT AND SPECIAL USE (TOWNHOUSE) TO LOCAL BUSINESS - SOUTH FIRST STREET - DEAN LEGGETT - WINSTON LAND AND CATTLE COMPANY

Mayor Bronaugh stated that the next item for consideration was the request of Dean Leggett on behalf of the Winston Land and Cattle Company to change the zoning from "Apartment & Special Use" (Townhouse) to a "Local Business" zoning district on approximately 0.33 acres of land located between 601 and 617 South First Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department regarding this zone change request. Mr. Maclin stated that the Planning & Zoning Commission had voted unanimously to recommend this zone change request to a Local Business be approved.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from "Apartment & Special Use" (Townhouse) to "Local Business" zoning district on approximately 0.33 acres of land located between 601 and 617 South First Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - EMERGENCY READING - TRAFFIC ADMINISTRATION/TRAFFIC ENFORCEMENT - US 59/69/LOOP 287 - FM HIGHWAY 325 - TxDOT

Mayor Bronaugh stated that the next item for consideration was an Ordinance for traffic administration and enforcement of traffic regulations: prohibiting parking on portions of US 59/69/Loop 287 and FM Highway 325 in the City of Lufkin, Texas as requested by TxDOT.

City Manager Maclin stated that included in the Council packet is a letter from the District Engineer Dennis Cooley laying out the groundwork for this request. Also, included is an Ordinance and a map of the area adjacent to the High School including the frontage road and Lufkin Avenue, showing the locations for recommendation of parking restrictions.

Mr. Maclin stated that Roy Knight, Lufkin High School principal, and Morty Halyard were both present. Mr. Maclin stated that this request was actually initiated through the Police Department after investigating some accidents and reviewing the situation in terms of traffic flow, and they believe by establishing the parking restrictions as noted in the Ordinance it will enhance the safety aspects and traffic flow of the area and be a little greater protection for the students in the area. Mr. Maclin stated that this Ordinance is coming with a request for Council to consider declaring this an Emergency Ordinance thereby allowing it to be approved on one reading so that it can go into effect ten days

from today, or on October 1, 1999, as opposed to the normal process of two full readings and ten days after the second reading.

Mr. Robertson stated that his major concern with this situation is why didn't someone think of this before now in dealing with the safety problems. Mr. Robertson stated that someone might have dropped the ball in the design of the traffic patterns around the High School to the degree that the Architect should have dealt with this issue in terms of getting safe areas for students to be picked up. Mr. Robertson stated that in driving around the school today, he found that there is not a real good point for the masses of cars that are going to descend upon the school when they leave. Mr. Robertson stated that his concern is how this will be implemented without creating a bigger problem for parents in getting into the school and picking up their children. Mr. Robertson stated that there needs to be some procedure established whether its for a school or another business that there is better review of the plans to deal with these issues of safety in moving traffic around those facilities that Council approves. Mr. Robertson stated that, in his opinion, these type of issues should be dealt with up front rather than waiting until after the fact and there is an accident with a student, and then everyone gets excited about doing something about it. Mr. Robertson stated that he does not disagree with the procedure in the Ordinance, because it will provide safer conditions for the students, but his concern is where will the parents pick up the students when this Ordinance goes into effect.

Mr. Knight stated that Mr. Robertson's concerns are well founded. Mr. Knight stated that they actually began six months before the High School opened with reviews with the Department of Transportation and their concerns about this particular intersection. Mr. Knight stated that TxDOT is bound by a great deal of bureaucracy on actually 500 cars per hour over an eight hour period before they can install traffic signals. Mr. Knight stated that they ran several traffic surveys to determine that the school does not meet that criteria. Mr. Knight stated that TxDOT has installed stop signs on Ford Chapel Road which has been extremely helpful with the traffic coming from the south part of town into their facility. Mr. Knight stated that they experienced a level of frustration in that some of the bureaucratic rules were not necessarily waived to help them either with stop signs or stop lights in that regard. Mr. Knight stated that TxDOT ran a number of traffic surveys this past spring and LISD paid for an outside consultant to come give them some recommendations on traffic flow and they enacted some of those recommendations. Mr. Knight stated that the difficulty is when so many people arrive in the afternoon all at the same time. Mr. Knight stated that the traffic flow is not as bad in the morning. Mr. Knight stated that they have rerouted some of the traffic in the front of the High School so there is easier access in and around the school and changed one of the one way entrances to a two way entrance to help parents come in off the service road adjacent to the Loop and circle around the flag pole and then come right back out and never have to cross Lufkin Avenue, which is where the dangerous traffic flow is. Mr. Knight stated that if more parents would use the student drop off near the tennis courts on the south side of the campus, there is sufficient room for them in the afternoon. Mr. Knight stated that the school thinks that this Ordinance will help parents be reminded to find safer places, and they are on the south side of the campus.

Mr. Robertson stated that it would behoove the school district to put some signs up back in around the campus to give parents a little better indication of where you want them to be in terms of stopping.

In response to question by Mr. Robertson, Chief Collins stated that the "standing" portion of the Ordinance refers to a standing vehicle and is patterned after State law, which addresses all three topics "stopping, standing and parking" and the State law defines each of those activities. Chief Collins stated that there is difficulty in enforcing a "no parking" only because that means parking a vehicle, getting out and leaving it unattended, and that is not the problem there. Chief Collins stated that the people are staying in their cars and sometimes they even stop in the roadway. Chief Collins stated that "stopping, standing and parking" covers any eventuality so that anyone that does any of those three things in that area is in violation and can be ticketed.

Mr. Robertson asked if there was anyway the City could request TxDOT to put up a traffic light at Lufkin Avenue on the school side of the highway. Chief Collins stated that a request had been made, but as Mr. Knight explained, this does not meet their criteria because of the hourly count. Chief Collins stated that the traffic problems at the school only occur two times a day and they won't put up a traffic light with that criteria. Mr. Robertson asked if the City could put up a traffic light. Mr. Maclin stated that this is considered State property.

Mr. Robertson stated that this creates a dilemma for him in regard to the safety of the students because there is a significant problem in an hour period that he thinks that somebody needs to take the Highway Department to task to put a traffic light in there where the traffic can be controlled through those rush hours at the school. Mr. Robertson stated that it seems appalling to him that the Council could not require safety features on highways that are needed to provide safety for students or anybody else who is traveling that way. Mr. Robertson stated that somebody needs to look into the situation and see if the rules can be changed for this type situation even if it takes special legislation through the State it needs to be done. Mr. Robertson stated that there at least should be a stop sign on Lufkin Avenue. Chief Collins stated that he agreed 100% with Mr. Robertson's sentiment, however in dealing with the Highway Department in requesting these type of things, they go strictly on accident history and the school has been very diligent in being concerned about the safety aspects and have people out working trying to promote safety along with the Police Department officers at the school morning and evening. Chief Collins stated that luckily there has not been the number of accidents that it would take to get into their criteria. Chief Collins stated that passing this Ordinance is the single best step that the City can take at this time to eliminate the problem. Chief Collins stated that the Highway Department is equally concerned about safety and expediting traffic and any time you put up stop signs it slows down the expeditious movement of traffic and they are as concerned about that as they are safety.

Mr. Robertson stated that he did not oppose the Ordinance, but thought that it just did not go far enough. Mr. Bowman asked if Council could look at this situation again in a few months.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance for traffic regulations prohibiting parking on portions of US 59/69/Loop 287 and FM Highway 325 in the City of Lufkin, Texas as requested by TxDOT be approved on one reading as an emergency ordinance. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - EXEMPTION - HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT OF 1996

Mayor Bronaugh stated that the next item for consideration was a Resolution for election by the City of Lufkin to be exempt from the requirement of the Health Insurance Portability and Accountability Act of 1996.

City Manager Maclin stated that on the Council table is an updated Resolution relating to this particular item. Mr. Maclin stated that this is an item that Council has chosen to approve every year since 1996. Mr. Maclin stated that the City has this right under Federal law because we are a self-insured health insurance provider and this authority is given to the City by statute to help include these cost containment features in the health insurance. Mr. Maclin stated that it is staff's recommendation to continue to pass this Resolution as has been done the past three years.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that Resolution for the election by the City of Lufkin to be exempt from the requirement of the Health Insurance Portability and Accountability Act of 1996 be approved as presented. A unanimous affirmative vote was recorded.

12. BID - APPROVED - TRAILERS - WATER UTILITY DEPARTMENT - HIGHTOWER TRUCK & EQUIPMENT

Mayor Bronaugh stated that the next item for consideration was bids for trailers for the Water Utility Department.

City Manager Maclin stated that included in the Council packet is a bid tabulation regarding this bid. Mr. Maclin stated that the purpose of the purchase of the trailers is to provide a transport capability for the backhoes. Mr. Maclin stated that currently employees are having to drive the backhoes all over town and since the City has acquired the Burke system it is a long drive from the shop to the Burke community. Mr. Maclin stated that, in his opinion, in the long term the purchase of these trailers actually will save some money in terms of depreciation on the vehicles that we are having to road long distances. Mr. Maclin stated that staff recommendation is the low bid of Hightower Truck & Equipment in the amount of \$24,602.20.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the bid of Hightower Truck & Equipment in the amount of \$24,602.20 for trailers for the Water Utility Department be approved as presented. A unanimous affirmative vote was recorded.

12a. BID - APPROVED - FUEL & LUBRICANTS - POLK OIL

Mayor Bronaugh stated that the next item for consideration was bids for fuel and lubricants.

City Manager Maclin stated that there is an updated attachment relating to this bid on the Council table. Mr. Maclin stated that the first sheet is a revised tabulation sheet that had the decimal points in the wrong place. Mr. Maclin stated that there is also a comparison of the Polk Oil bid and the Okay Food bid and the Brookshire Bros. bid. Mr. Maclin stated that looking at the numbers on the Polk Oil bid versus the Okay Food bid, there is a grand total of \$285.80 difference on the estimated quantities from the Purchasing Department, which makes this one of the closest fuel bids he can remember on a \$200,000 estimated consumption bid. Mr. Maclin stated that there are some differences between "no lead" versus "super unleaded" and the diesel prices. Mr. Maclin stated that based on the estimated quantities from the Purchasing Department, the Polk Oil bid would be \$285.80 lower at a bid of \$201,312.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the bid of Polk Oil Company in the amount of \$201,312 be approved as submitted. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION:

Mayor Bronaugh recessed regular session at 5:37 p. m. to enter into Executive Session. Regular session reconvened at 6:50 p. m. and Mayor Bronaugh stated that personnel, an appointment to City Council, and attorney/client matters were discussed.

14. APPOINTMENT - APPROVED - COUNCILMEMBER WARD 3 - LYNN TORRES

Motion was made by Councilmember Bob Bowman and seconded by R. L. Kuykendall that Lynn Powell Torres be appointed as the Councilmember for Ward 3. A unanimous affirmative vote was recorded.

15. APPOINTMENT - APPROVED - CONSTRUCTION BOARD OF ADJUSTMENT & APPEAL - PAUL KOLLAUF - J. R. SHANKLE - JOHN KONDROIK

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Paul Kollauf be appointed to serve a three

year term as a member of the Construction Board of Adjustment & Appeals, and that J. R. Shankle and John Kondroik be appointed to serve as alternate members for a term of one year. A unanimous affirmative vote was recorded.

16. APPOINTMENT - APPROVED - LUFKIN BOARD OF DEVELOPMENT - JOAN DANIELS

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that Joan Daniels be appointed to the Lufkin Board of Development to replace Steve Trotter who has resigned. A unanimous affirmative vote was recorded.

17. APPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS - LT. GEN. ORREN WHIDDON - KAREN HEATON - DON DURAN

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Lt. Gen. Orren Whiddon be reappointed to the Zoning Board of Adjustment & Appeals, and that Karen Heaton and Don Duran be reappointed to serve as alternate members. A unanimous affirmative vote was recorded.

18. COMMENTS

City Manager Maclin stated that on Thursday, October 14, at 12 noon Leadership Lufkin will meet at the Memorial Medical Center cafeteria, and that Councilmembers were encouraged to attend and participate in a panel discussion.

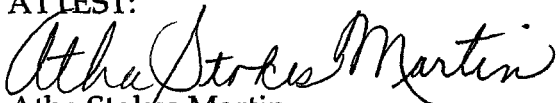
City Manager Maclin stated that on October 19th Donohue will hold a reception at 6:00 p.m.

City Manager Maclin stated that the next DETCOG meeting will be held on September 30 in Woodville.

19. There being no further business for consideration, meeting adjourned at 6:55 p. m.


Louis A. Bronaugh
Mayor

ATTEST:


Atha Stokes Martin
City Secretary