

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
15TH DAY OF MAY 2001 AT 5:00 P. M.**

On the 15th day of May 2001 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
R. L. Kuykendall	Mayor pro tem
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

Being present when the following business was transacted.

1. Pastor Jeff Hastings, First United Methodist Church, opened the meeting with prayer.

2. Mayor Bronaugh welcomed visitor's present.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden that minutes of the regular meeting of May 1, 2001 be approved with corrections to the City's appointees to the DETCOG Board of Directors. A unanimous affirmative vote was recorded.

4. ELECTION OF MAYOR PRO TEM - COUNCILMEMBER DENNIS ROBERTSON

Mayor Bronaugh stated that the next item for consideration was the election of a Mayor pro tem.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Councilmember Dennis Robertson be elected as the Mayor pro tem. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - AMENDMENT - ABANDONED AND JUNKED VEHICLE ORDINANCE

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance amending the Abandoned and Junked Vehicle Ordinance.

Councilmember Robertson stated that he was associated with an antique auto club and they wanted him to clarify the fact that there is a fairly significant section in the law that deals with antique and unique vehicles and he wanted to remind whoever was enforcing this Ordinance that they do need to maintain the option dealing with antique vehicles.

In response to question by Councilmember Kuykendall, Mr. Chapman stated that to determine if a vehicle is a "junked vehicle" one of the first things he does is to see if the

vehicle has tires on it, or whether it is blocked up. Mr. Chapman stated that the State law defines an inoperable vehicle as one that doesn't have a current license registration or a current inspection sticker. Mr. Chapman stated that if for some reason they happen to have a current license and current inspection sticker and it is blocked up, then they are given a period of time to repair the vehicle and make it operable. Mr. Chapman stated that if you can crank a vehicle and drive it legally today on a City street then it is considered operable.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that the Amendment to the Abandoned and Junked Vehicle Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE – APPROVED – SECOND READING – CODE ENFORCEMENT ORDINANCE

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending the Code Enforcement Ordinance relating to water and sewer leaks.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance amending the Code Enforcement Ordinance be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

7. ORDINANCE – APPROVED – FIRST READING – ZONE CHANGE – RESIDENTIAL LARGE TO COMMERCIAL – 3908 ELLEN TROUT DRIVE (LOOP 287) – FIESER DEVELOPMENT, INC. – JANICE MILLIGAN

Mayor Bronaugh stated that the next item for consideration was request of Fieser Development, Inc. on behalf of Janice Milligan to change the zoning from "Residential Large" to "Commercial" on approximately 7.41 acres of land described as a part of Tract 125 of the A. Barela Survey (Abstract No. 49) and more commonly known as 3908 Ellen Trout Drive (Loop 287).

City Manager Maclin stated that the Planning & Zoning Commission at their meeting yesterday addressed this request and the memorandum of explanation from the Planning Department is on the Council table. Mr. Maclin stated that there is also a copy of the minutes from the meeting and the Commission's recommendation to the City Council by unanimous vote to approve the zone change as presented.

In response to question by Councilmember Gorden, Stephen Abraham, Director of Planning, stated that the zoning request is a portion of a much larger tract, some of which is outside the City. Mr. Abraham stated that future plans are to sell a portion of the larger lot to a company who is wanting to put multi-family housing there. Mr. Abraham stated that if the project is approved by TDHCA then they will purchase the land and the City will annex an additional amount of land and change the zoning to "Multi-family". Mr. Abraham stated that if they do not get approval by TDHCA it is very unlikely that a multi-family project will go there.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 7.41 acres of land described as a part of Tract 125 of the A. Barela Survey (Abstract No. 49) and more commonly known as 3908 Ellen Trout Drive (Loop 287) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. REQUEST – APPROVED – PURCHASE OF CITY PROPERTY – TIM HANEY – FREEMAN AND MCKINNEY STREETS

Mayor Bronaugh stated that the next item for consideration was a request to purchase two acres of City property in the vicinity of Freeman and McKinney Streets.

City Manager Maclin stated that included in the Council packet is a letter of request from Tim Haney of Renfro Land & Timber Company, an appraisal from Wm. Lyons &

Associates, and a color-coded map indicating where this land is located. Mr. Maclin stated that the City obtained this property many years ago perhaps through a tax foreclosure, and it is landlocked, which is probably the reason it has such a low appraised value. Mr. Maclin stated that Mr. Haney is one of the property owners who own property adjacent to this property. Mr. Maclin stated that staff has researched this as far as its potential for City use for utilities, lift stations, parks, etc., and have basically declared it as excess property.

Mr. Maclin stated that, just for referencing purposes, staff gets several requests like this per year and runs them through Engineering, Public Works and Parks and Recreation and other departments to see if there is any potential need for it. Mr. Maclin stated that if staff identifies any reason why the City should keep the property then they respond to the requestor that the City has potential utilization of the property and therefore it is not for sale. Mr. Maclin stated that when there is a piece of property that staff deems as excess because they cannot find any immediate or potential utilization of the property then it is taken to Council and under State law if the adjacent property owners are agreeable then the property is divided between them. Mr. Maclin stated that in this case there is only one property that is adjacent that is interested in the property. Mr. Maclin stated that the City could under State law sell this to the adjacent property owner at the appraised value, which is \$6,715, if Council so desires.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that request by Tim Haney to purchase two acres of City property in the vicinity of Freeman and McKinney Streets at the fair market value of \$6,715 be approved as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE – APPROVED – FIRST READING – ENTERPRISE ZONE

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance designating an Enterprise Zone.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation, an Ordinance, a lengthy Exhibit A to describe the tract of 9.6 square miles, and a map shaded to show where the 9.6 miles is located. Mr. Maclin stated that the local business incentives are listed on Exhibit B as well as Tax Abatement incentives under Exhibit C.

Mr. Maclin stated that this is basically the process to reauthorize a previous Enterprise Zone that the City has had for the last ten years. Mr. Maclin stated that Council had recently approved a portion of the Industrial Park on FM 819 because it was not contiguous to the rest of the property, so it required a separate approval. Mr. Maclin stated that staff is coming today to seek approval of this Ordinance on First Reading for renewal of the City's Enterprise Zone which will expire in September.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance designating an Enterprise Zone be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION – APPROVED – TIRE RECLAMATION DAY – JUNE 23rd

Mayor Bronaugh stated that the next item for consideration was a Resolution designating June 23rd as Tire Reclamation Day in the City of Lufkin.

City Manager Maclin stated that included in the Council packet is a brief explanation from Beauford Chapman, Director of Inspection Services, and a Resolution.

Dennis Webster, Solid Waste/Recycling Director, stated that staff has located a site for reclamation of these tires and it is at the old Brookshire Bros. store on Timberland Drive (Chestnut Village). Mr. Webster stated that a tire recycler will provide a trailer and place it at this location, which will be staffed with volunteers and people on his staff. Mr. Webster stated that at the end of the day the trailer would be removed. Mr. Webster stated that this would give the citizens of Lufkin an opportunity to bring in and discard these excess tires legally. Mr. Webster stated that the plan is simply to offer to the citizens of Lufkin the opportunity to bring in as many as six tires (passenger car

tires, truck tires or semi-truck tires) at no cost and then charge a small fee if they bring in tires in excess of six. A fee of \$1.50 will be charged per tire in excess of six. Mr. Webster stated that hopefully this effort would generate a lot of interest in cleaning up our City.

In response to question by Councilmember Robertson, Mr. Webster stated that if the Council adopts this Resolution he has a set of PSA's for TV, radio and newspaper ads letting the citizens of Lufkin when and where the event would take place.

In response to question by Mayor Bronaugh, Mr. Webster stated that as a part of a regional recycling center he would like to open up this effort County-wide.

Mr. Webster stated that if he could find a legitimate, legal outlet to receive old paint he would bring a proposal back to Council.

In response to question by Councilmember Bowman, Mr. Webster stated that he had sent out letters to Churches in an attempt to have their youth participate in the project by gathering old tires from people who were not able to bring their tires to the reclamation location.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that Resolution designating June 23rd as Tire Reclamation Day in the City of Lufkin is approved as presented. A unanimous affirmative vote was recorded.

11. RESOLUTION – APPROVED – HOME PROGRAM APPLICATION – TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS – OWNER OCCUPIED HOUSING ASSISTANCE

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing the submission of a HOME Program Application to the Texas Department of Housing and Community Affairs for Owner Occupied Housing Assistance.

City Manager Maclin stated that included in the Council packet is a memorandum from the Director of Inspection Services that gives a brief overview of this program. Mr. Maclin stated that the City of Lufkin has been participating in this program for close to 10 years now and have had great success and been able to participate in helping individuals who otherwise would not been able to make improvements to their homes. Mr. Maclin stated that it is the time of year for the City to consider applications for submissions to the HOME Program with the Texas Department of Housing and Community Affairs.

City Manager Maclin stated that there are two programs the City is eligible to participate in and they are the traditional home rehabilitation/home reconstruction for individuals that meet the low-to-moderate income criteria. There is also a special population grant application that includes senior adults who are individuals with physical handicaps and other classifications in the special population range. Mr. Maclin stated that these are \$500,000 grants. Mr. Maclin stated that when the City provides a 12.5% match, which is \$62,500 each, we get additional points, which helps us in statewide competition. Mr. Maclin stated that if Council is willing to support this application the funds would be allocated in the 2001-2002 fiscal year budget in the amount of \$652,500 or \$125,000 for both grants if Council so chooses.

In response to question by City Manager Maclin, Mr. Chapman stated that at this time he has 85 applicants on a waiting list.

In response to question by Councilmember Gorden, Mr. Chapman stated that Gary Traylor & Associates would submit the application for the City. Mr. Chapman stated that the City has used Traylor & Associates for the last two HOME Program applications.

Mr. Chapman stated that he wanted to make sure the Council understood what the Resolution involves. Mr. Chapman stated that there are two blanks in the Resolution and one is where it says that the City contributes project match of "x" number of dollars and that is the \$62,500 or \$125,000 whichever the case may be from its general fund

as a cash contribution or in-kind services. Mr. Chapman stated that the second blank says that the City Council commit "blank" cash reserve on this particular case in order to maximize our points that we can get on this grant (40 points). Mr. Chapman stated that in order to get the 40 points it is required that the City set aside a \$250,000 cash reserve designated for payment of requested project expenses before receiving reimbursement by the State. Mr. Chapman stated that he had talked to Mr. Hager and he said that this is not a problem. Mr. Maclin stated that basically this is a reimbursing program where the City has to pay and then submit the paperwork to Austin and Austin would then reimburse the City.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that Resolution authorizing the submission of both HOME Program Applications to the Texas Department of Housing and Community Affairs for Owner Occupied Housing Assistance is approved as presented with a commitment of a 12.5% match in the next fiscal years budget. A unanimous affirmative vote was recorded.

12. HOME PROGRAM GUIDELINES - APPROVED

Mayor Bronaugh stated that the next item for consideration was adoption of the HOME Program Guidelines.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that HOME Program Guidelines be approved as presented. A unanimous affirmative vote was recorded.

13. AMENDMENT – APPROVED – PRE-TREATMENT ORDINANCE – COPPER PARAMETERS

Mayor Bronaugh stated that the next item for consideration was Amendment to the Pre-Treatment Ordinance changing the copper parameters.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer that defines this request and gives the local limits as proposed. Mr. Maclin stated that this is part of a project that staff has been working on with the City's consultant Allen Plummer. Mr. Maclin stated that staff met with TNRCC officials about a month ago in Austin and enforcement of the pre-treatment program is being switched from the EPA to the TNRCC. Mr. Maclin stated that the City had submitted an application for a permit back in 1996 and technically the EPA had never officially followed through on their official paperwork and so when it came time for the TNRCC to take over there was some question regarding copper limits in particular in that we have a naturally occurring amount of copper in our water. Mr. Maclin stated that this is not a hazard or a problem, but if the City had not made this adjustment we would be required to force our industry to take the copper out of the water that is a naturally occurring copper. Mr. Maclin stated that over the next 18 months the City will be garnering and collecting data for submission to the TNRCC similar to what we used to do with the EPA for a new wastewater treatment permit and new pre-treatment program. Mr. Maclin stated that staff's goal is to find something that is safe for all of our citizens and our industry but also reasonable, and in his opinion, this can be accomplished.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Amendment to the Pre-Treatment Ordinance changing the copper parameters be approved on First Reading as presented. A unanimous affirmative vote was recorded.

14. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:40 p.m. to enter into Executive Session. Regular Session reconvened at 5:55 p.m. and Mayor Bronaugh stated that appointments to Boards had been discussed.

15. APPOINTMENTS – APPROVED – ZONING BOARD OF ADJUSTMENT & APPEALS – AL MEYER – JERRY BENSON – LACY CHIMNEY

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that Jerry Benson, Al Meyer and Lacy Chimney be reappointed to the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

16. APPOINTMENTS – APPROVED – EXPOSITION CENTER BOARD OF DIRECTORS – RAYMOND MOORE – BUBBA HENDERSON

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Dennis Robertson that Raymond Moore and Bubba Henderson be reappointed to the Exposition Center Board of Directors as the City of Lufkin's representatives. A unanimous affirmative vote was recorded.

17. CALENDAR NOTATIONS FROM THE MAYOR, COUNCILMEMBERS AND CITY MANAGER

City Manager Maclin requested that Mr. Hager pass out a copy of the City's Annual Report that had been prepared in-house.

City Manager Maclin stated that immediately following tonight's meeting there would be a ceremony at the Court House for the Police Officers Memorial Service.

City Manager Maclin stated that this Thursday there would be a meeting of the Comprehensive Plan Committee.

City Manager Maclin stated that Tuesday, May 22nd would be the Council retreat at Pine Island.

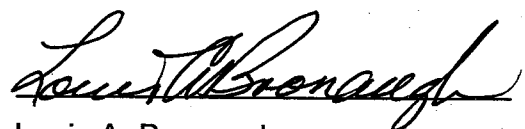
City Manger Maclin stated that the annual DETCOG meeting would be held May 24th at the Civic Center.

City Manager Maclin reminded Councilmembers of the annual Mayors and Councilmembers TML meeting July 19-21 in Wichita Falls.

City Manager Maclin stated that Monday, May 28th the City would observe Memorial Day as a holiday.

Councilmember Boyd stated that the Texas Association of Black City Council Members would hold a workshop meeting at the Day's Inn this weekend in Lufkin.

18. There being no further business for consideration, meeting adjourned at 6:00 p.m.



Louis A. Bronaugh
Mayor



Attha Martin
City Secretary