

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS
HELD ON THE 7TH DAY OF SEPTEMBER, 1999 AT 5:00 P. M.

On the 7th 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	Mayor
Bob Bowman	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward 1
Don Boyd	Councilmember, Ward 2
Betty Jones	Councilmember, Ward 3
Jack Gorden, Jr.	Councilmember, Ward 5
Dennis Robertson	Councilmember, Ward 6
C. G. Maclin	City Manager
James Hager	Assistant City Manager
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. Meeting was opened with prayer by Rev. E. I. Sullivan, Pastor, Long Chapel CME Church.
2. Mayor Bronaugh welcomed visitors present, which included LISD government students and members of the LPD Explorer's Post 0777. Sgt. Harold Cottle stated that the Police Department has recently organized an Explorer's Post, and introduced Explorer members: Officer Trent Burfine, Officer Jeff Smith, Anthony Baker, Lisa Gorden, Megan Butler, Doug Cottle, and Kimberly Cottle.

3. APPROVAL OF MINUTES

Minutes of the Budget Workshop meeting of July 7, 1999 and the regular meeting of the August 17, 1999 meeting were approved on a motion by Councilmember Don Boyd and seconded on a motion by Councilmember Jack Gorden, Jr. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - FIRST 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 the request of Alan Wade 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.

City Manager Maclin stated that this item was tabled from a Council meeting a couple of weeks ago when Mr. Wade was asked to get with the City Attorney and the neighborhood residents to see if perhaps there was some type of compromise that could be developed to minimize some of the opposition that was stated at a previous meeting.

Alan Wade, applicant, stated that on the Council table is what he considers to be a good compromise that sets aside the first 50' on the south and east sides of the property (the two sides that have residences backing up to them) that will remain under the present zoning and will not be Commercial. Mr. Wade stated that this will provide a 50' buffer zone to the residents on those two sides of the property. Mr. Wade stated that he would like to reduce the size of his request for a zone change down to the corresponding 7.34 acres, which was calculated by Mr. Hargrave earlier.

In response to question by Mr. Robertson, Mr. Wade stated that it was his understanding at the last Council meeting in talking with Mr. Flournoy that as long as he reduced the size of the property he did not have to go back to P & Z, he would just make the compromise and come back to Council. Mr. Robertson stated that this does not seem like the proper procedure that Council usually does in changing the zoning. Mr. Robertson stated that with Mr. Wade just saying that this is what he is going to do and there is nothing binding in P&Z and the way it is recorded here, there is no guarantee that the buffer will stay. Mr. Wade stated that he understood Mr. Robertson's concern and that he had visited with Mr. Abraham earlier today and it was his understanding that if Council approved the reduction in the size of the property, and he could get the field notes from Mr. Hargrave, it could be included in the zone change.

Mr. Maclin stated that this information could be part of the second reading of the Ordinance, and between now and the Second Reading the Engineer or Surveyor could provide the field notes that would delineate the 50' remaining Residential and the balance being Commercial as requested by Mr. Wade.

Mr. Robertson stated that Council is still dealing with a request that is outside the Comprehensive Plan and he was concerned that once Council starts changing zoning outside the Comprehensive Plan then it leaves the City open for some serious problems later on. Mr. Wade stated that he was before Council with a recommendation from P & Z on a 4 to 2 vote of approval.

Stephen Abraham, Director of Planning, stated that as he has stated in the past, the Comprehensive Plan is a guide and if Council feels that this compromise is in keeping with the spirit of the Comprehensive Plan then certainly Council can change the zoning, or if they think it falls outside of the spirit of the Ordinance, then his opinion is that the request should be denied. Mr. Abraham stated that it is simply a matter of when Council evaluates the request to the established policies that they need to determine whether it is consistent or not. Mr. Abraham stated that that is an individual decision.

In response to question by Mr. Bowman, Jimmy Lawrence stated that he had expressed his opinion of this zone change at the last Council meeting. Mr. Lawrence stated that his land does not back up to Mr. Wade's property and Mr. Wade's proposal is between him and his immediate neighbors. Mr. Lawrence asked if Council considers Mr. Wade's zone change request and passes it, what is to keep him from getting access to Ponderosa or Sandybrook, because that would "open up a can of worms". Mr. Lawrence stated that it could be that access would not require a zone change and it troubles him that Council is fixing to deal with more than just the 7.34 acres and will be jeopardizing the whole neighborhood when access is received to this property from one of those two streets. Mr. Lawrence stated that he agreed with Mr. Robertson in that the City has a Comprehensive Plan and here they are changing it when they voted to keep it. Mr. Lawrence stated that he did not understand what was supposed to come first.

Mr. Gorden stated that if the City Attorney thinks it is viable, and Mr. Abraham possibly thinks it is viable, he would like to see Council approve the zone change request. Mr. Gorden stated that the request came to Council from P & Z on a vote of approval, and with the offer of the 50' buffer, which is larger than he expected, he would like to see the request approved.

In response to question by Mayor Bronaugh, Mr. Flournoy stated that he had stated at a previous meeting that there would have to be something to provide assurance to the adjoining properties that this Commercial zone will not encroach right up to them, whether it was a matter of reducing the requested area considerably or providing some kind of sufficient buffer. Mr. Flournoy stated that obviously what Mr. Wade is talking about doing is leaving an area in a zone that is not Commercial and it can never be changed to Commercial or any other zone without this Council's approval.

Mayor Bronaugh stated that he agreed with Mr. Gorden in that Council has heard from the P & Z as to what their vote was, and Council has amended the

Comprehensive Plan in the past. Mayor Bronaugh stated that he can certainly understand Mr. Lawrence's position.

In response to question by Mayor Bronaugh, Mr. Flournoy stated that when Mr. Wade says compromise he has compromised his position and is reoffering it as a reduction in what he had done before, and this is why he does not have to go back to P & Z.

Mr. Bowman stated that he shared Mr. Robertson's observation that it is really a dramatic step to be going outside the zone that is so indicated around the Loop, and if it were a small piece of property he would feel more comfortable. Mr. Bowman stated that Council is really setting a precedent by reaching out in the neighborhood with this piece of property, irregardless of the buffer, and that bothers him.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd to accept reducing the requested area of 8.7 acres to 7.34 acres (which includes a 50' buffer) and that Ordinance to change the zoning from "Residential Large" to "Commercial" on 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 approved on First Reading.

The following vote was recorded:

Aye: Councilmembers Gorden, Boyd, Jones, and Mayor Bronaugh

Nay: Councilmembers Bowman, Robertson and Kuykendall

Motion carried with four affirmative votes.

5. ORDINANCE - APPROVED - SECOND READING - AMENDMENT - TREE ORDINANCE - REMOVAL OF DEAD OR DISEASED TREES ON PRIVATE PROPERTY

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending Section 98.10 of the Code of Ordinances of the City of Lufkin concerning the removal of dead or diseased trees on private property.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Ordinance amending Section 98.10 of the Code of Ordinances of the City of Lufkin concerning the removal of dead or diseased trees on private property be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCES - APPROVED - SECOND READING - MUNICIPAL COURT TECHNOLOGY FUND - TECHNOLOGY FEE - MISDEMEANOR OFFENCE - MUNICIPAL COURT

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance establishing a Municipal Court technology and security fund and assessing technology and security fees for each misdemeanor offense in Municipal Court.

Motion was made by Councilmember Don Boyd and seconded by Councilmember that Ordinance establishing a Municipal Court technology fund and an Ordinance providing for a Municipal Court building security fund, be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - TAX LEVYING ORDINANCE

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Tax Levying Ordinance.

City Manager Maclin stated that item #7 will cover the requested consideration and alternates that Mr. Bowman and Mr. Gorden requested staff to prepare. Mr. Maclin stated that all five of the Ordinances deal with the passage of the 1999-2000 budget.

Mr. Maclin stated that immediately following the Tax Levying Ordinance there is a note he provided for Council along with a couple of graphs provided by the Assistant City Manager. Mr. Maclin stated that specifically one of the areas he was requested to seek some alternatives in dealt with the Kit McConnico Park portion (\$13 million capital improvements plan). Mr. Maclin stated that on page 8 is the Kit McConnico Master Plan Phasing showing the three phases. Mr. Maclin stated that the next sheet is the original Kit McConnico Master Plan prepared by the consultant, Ehrler & Associates, dated May 4, 1998, and the total proposed improvements for the park as a regional park is \$6.6 million. Mr. Maclin stated that the next page takes that \$6.6 million, phases out Phase I, Phase II, and Phase III and over a five year period attempts to develop about \$5.2 million of the \$6.6 million Master Plan from the consultant. Mr. Maclin stated that the next to the last sheet is a spread sheet named Opinion of Probable Costs, and what staff has attempted there is two things: 1) to get current updated prices, and 2) the total costs. Mr. Maclin stated that one of the areas that staff was requested to try to identify was ways the cost could be reduced at the present time without significantly altering the integrity or structure of the original \$5.2 million proposal. Mr. Maclin stated that this sheet identifies the cost for demolition, for site work and paving, for drainage, for utility work, for sewer and water, for the buildings which includes concession stands and restrooms and pavilions, for the 8' wide hike and bike trail, and for lighting. Mr. Maclin stated that one notation he would point out on the lighting is that the \$5.2 million proposal included the lighting of two adult softball quadplexes (four fields back to back), and in the new proposal staff would light one quadplex but would not light the second quadplex as a method of reducing the cost. Mr. Maclin stated that the conduit would probably be placed in the ground at the same time the sprinkler systems are put in so that at some point in the future staff could come back to Council and seek lighting of those second four fields. Mr. Maclin stated that this gives the ability to have eight fields to host tournaments but only light four of the fields initially, and perhaps come back at a later date and light the other four. Mr. Maclin stated that it would minimize in some ways the size of the adult tournaments the City could host but would not drastically impact the ability to host a 48 or 64 team tournament over a Friday, Saturday and Sunday period.

Mr. Maclin stated that there is fencing cost, and total construction with contingency, engineering, surveying and inspection for a sub total of approximately \$4.5 million.

Mr. Maclin stated that the credits are shown at the bottom of the page. Mr. Maclin stated that the first one is seeking and potentially receiving a grant for \$500,000 from the Texas Parks & Wildlife. Mr. Maclin stated that just because you apply does not mean that the City will be funded, but by adding a variety of services in recreation activities in the grant application, we have a better than average chance of being funded particularly with the fact that this does comply with the Master Plan for the City's parks system as determined through the Parks Advisory Board. The next credit is for \$77,000 for work to be completed by City crews for the labor portion of laying the water and sewer lines. The next credit is \$41,000 for surveying which will be done by the City's Engineering Department, and a \$61,000 credit for inspections that will be done through the City's Inspection Department. Mr. Maclin stated that this gives a total credit of \$679,925.11, which would then reduce the \$4.5 million to \$3.9 million, and thereby ultimately reducing the proposal that Council voted on at last meeting at \$5.2 million, or a total of \$13 million, to \$3.9 million and a total of \$11.7 million over a period of five years.

Mr. Maclin stated that we would be reducing the capital improvements program for this consideration from \$13 million to \$11.7 million. Mr. Gorden stated that one of the things we are focusing on is the parks and we loose sight of all the other things that will be done with this money.

Mr. Bowman asked if staff felt comfortable that doing this work that has been laid out on the \$3.9 million proposal will meet the needs particularly of soccer and softball. Mr. Maclin stated that we are not in any way under this proposal reducing the soccer complex, it is intact from what it was under the \$5.2 million plan. Mr. Maclin stated that the other area where there has been a fairly significant cut is in the access road. Mr. Maclin stated that the master plan for Kit McConnico called for a loop around the full 289 acres and the loop on the southern section will take you down to the current entrance on the old Moffett Road, and the proposed new entrance is off of the FM Rd. also called Moffett Road which enters off of

Highway 103. Mr. Maclin stated that we will be phasing to the future the lower half of the loop which will connect down to the archery area and ultimately the amphitheater. Mr. Maclin stated that the soccer and softball fields are on the north end of the park and you would still have the entrance road and service road and parking lots that would service the soccer fields and softball complex. Mr. Maclin stated that the two major elements that are different from what was shown two weeks ago are reduction of the lighting for one of the softball quadplexes and the reduction in service road or circular road as an entrance from the south end of the complex.

Mrs. Jones stated that she would like to see Council, somewhere in this development phase, enlist community support and fund raisers of some type to participate in some of the cost. Mr. Maclin stated that he was certain that there are some things that the soccer association does now to make do with the current facilities that they will continue to do in the future. Mr. Maclin stated that the biggest increase from the City's standpoint will be additional space in terms of maintenance and mowing, etc. Mr. Maclin stated that he was certain that the associations through hosting tournaments and things of that nature will be able to raise some of those funds.

Mr. Robertson stated that the Parks Advisory Board did establish a parks partner program, which would address Mrs. Jones' point. Mr. Robertson stated that citizen participation benefits everybody if the participant has an interest in the project. Mr. Robertson stated that he is concerned about the parks in terms of the maintenance dollars and keeping the park in good sound physical condition

In response to question by Mr. Robertson, Mr. Maclin stated that we will still be looking at the 3/4's cent tax increase. Mr. Maclin stated that four years from now if the City delays on the charts that were included in the Council packet it would reduce from a 3 cent to a 2 cent tax hike in order to meet the amortization or interest and sinking fund requirements. Mr. Maclin stated that it does have a reduction in terms of that alternative but as far as the 3/4 cent up front it is the same either way.

Mr. Bowman stated that Mr. Maclin had given Council a list of 19 cities and the average tax rate for those 19 cities is 64.3 cents, and Lufkin's tax rate is only 49.4 cents and we are way below the average. Mr. Maclin stated that it is also prudent to add that there has not been a tax rate increase since 1992 except those approved by the voters in 1994 through a bond election. Mr. Bowman stated that it is also worthwhile to point out that Nacogdoches' tax rate is 64.3 cents.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson to amend the Capital Improvements Plan from \$13 million to \$11.7 million specifically reducing the Kit McConnico Park improvements from \$5.2 million to \$3.9 million. A unanimous affirmative vote was recorded.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Tax Levying Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. APPROPRIATIONS ORDINANCE – APPROVED – SECOND READING

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Appropriations Ordinance.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Appropriations Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED – SECOND READING – RESIDENTIAL AND COMMERCIAL WATER RATES REVISED

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance revising residential and commercial water rates.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Ordinance revising residential and commercial water rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCE – APPROVED – SECOND READING – SEWER RATES REVISED

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance revising the sewer rates.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Bob Bowman that Ordinance revising the sewer rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

11. ORDINANCE – APPROVED – SECOND READING – SOLID WASTE RATES REVISED

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance revising solid waste rates.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Ordinance revising the solid waste rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

12. ORDINANCE – APPROVED – FIRST READING – ZONE CHANGE – RESIDENTIAL LARGE TO LOCAL BUSINESS – J. A. BONTON SURVEY (ABSTRACT NO. 5) – OLD GOBBLERS KNOB ROAD AND LOOP 287

Mayor Bronaugh stated that the next item for consideration was request of Duncan and Duncan, Inc. 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.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department that gives an explanation of this site in the fact that the Comprehensive Plan indicates that offices should be the predominant use in the area. Mr. Maclin stated that this request comes to City Council with a recommendation of a unanimous vote recommending approval for the requested zone change to Local Business.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall 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 First Reading as presented. A unanimous affirmative vote was recorded.

13. ORDINANCE – APPROVED – FIRST READING – ZONE CHANGE – RESIDENTIAL LARGE TO CENTRAL BUSINESS – J. L. QUINALTY SURVEY (ABSTRACT NO. 40) – FEAGIN DRIVE AND SOUTH RAGUET STREET – JUNIOR HIGH WEST BUILDING

Mayor Bronaugh stated that the next item for consideration was changing the zoning from "Residential Large" to "Central Business" on approximately 13.54 acres of land described as Tract 148 of the J. L. Quinalty (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.

City Manager Maclin stated that included in the Council packet is an explanation from the Planning Department that says the purpose of this zone change is to permit the construction of a new public library and to allow existing structures to be

utilized for office and storage space. Mr. Maclin stated that the existing uses and zoning classifications surrounding the subject property are: West - Lufkin Industries Foundry (Heavy Manufacturing), South - Single-family dwellings (Residential Large), and East - Lufkin Industries Corporate Office (Central Business) and single-family dwellings (Residential Large). Mr. Maclin stated that the Comprehensive Plan suggests that the site is appropriate for public and semi-public utilization, which is obvious since it has been used as a school since 1924. Mr. Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends that the zoning be changed to Central Business as requested.

Motion was made by Councilmember Betty Jones 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 (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 First Reading as presented. A unanimous affirmative vote was recorded.

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

Mayor Bronaugh stated that the next item for consideration was the request of Polk Holdings, Ltd. to change the zoning on approximately 0.995 acres of land located at the southeast corner of Bartmess Drive and FM Highway 58 from "Neighborhood Retail" and "Residential Large" to a "Neighborhood Retail" zoning district and to grant a Special Use Permit for an Automobile Service Station.

City Manager Maclin stated that this request comes to City Council with a 6 - 1 vote recommending approval of the zone change to Neighborhood Retail and that a Special Use Permit be granted for an Automobile Service Station. Mr. Maclin stated that because 20% of the adjoining property owners within 200' of the subject property filed a written protest it will require six affirmative votes to approve this request.

Mr. Abraham stated that in 1995 a gentleman named Gene Parker requested Neighborhood Retail zoning with the express intention of placing a convenience store with gasoline sales at this site. Mr. Abraham stated that no development has taken place till this time. Mr. Abraham stated that with the adoption of the City's new Zoning Ordinance we no longer allow service stations by rights, but require that they have a Special Use Permit. Mr. Abraham stated that that way the Planning Department could use Neighborhood Retail more often proximate to residential neighborhoods. Mr. Abraham stated that this is one part of this item that has changed, and that is that any Neighborhood Retail is now going to be required to have a Special Use Permit. Mr. Abraham stated that additionally the Polks have purchased another 75' of frontage immediately adjacent to the south property line, which they want to include in this development. Mr. Abraham stated that in a review of the facts, the Planning Department did not feel that there is any substantial change even by the addition of the 75' and felt that this was established and was an appropriate place for an automobile service station. Mr. Abraham stated that at the Public Hearing there were a number of residents who spoke, mostly in opposition, but he felt that most of their fears were allayed at the time. Mr. Abraham stated that, in his opinion, most of the objections that were made were satisfied at that meeting.

In response to question by Mr. Bowman, Mr. Abraham stated that this request and the request of Mr. Parker were about the same, but at that time (1994) a Special Use Permit was not required, therefore he was not required to submit a plan. Mr. Abraham stated that this request, because of the more exacting standards of the Special Use Permit, a site plan is actually submitted for approval.

Mr. Robertson stated that in some of the letters that were returned the main objection was due to some accidents at that corner. Mr. Robertson stated that in driving out to the site he noticed that people were driving faster than 55mph coming down FM 58 and he noted that you don't have very good sight distance. Mr.

Robertson stated that from the standpoint of some of the developments on 58, someone needs to take a look at these things in the City and see where we might need to recommend slowing the traffic down or erecting stop lights at the intersection. Mr. Bowman stated that he agreed that there needs to be some kind of light at the intersection of Bartmess and 58. Mr. Gorden asked if the City could contact the Highway Department about doing something at this intersection. Mr. Maclin stated that staff could contact TxDOT particularly as the traffic pattern changes. Mr. Gorden stated that if the speed limit could just be changed it might be helpful. Mr. Maclin stated that the City could ask TxDOT to do a study and review the accident histories which might be evidentiary to get a three lane widening and a turn lane placed there with a caution light before going to a stop light. Mr. Maclin stated that once the store is built and the traffic patterns change, then staff can ask TxDOT to take another look as far as other safety features that can be done.

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

15. RESOLUTION - APPROVED - WAIVER - KIWANIS CLUB - TURKEY SHOOT - UNITED PENTECOSTAL CAMPGROUNDS

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 Campgrounds.

City Manager Maclin stated that included in the Council packet is a Resolution to address this request from the Kiwanis Club. Mr. Maclin stated that in the past the area where they held the turkey shoot was outside the City limits and therefore did not require the waiver. Mr. Maclin stated that since this area was requested by the Pentecostal Campgrounds to be annexed into the City and the Kiwanis Club continues to feel like this is the best site for their turkey shoot, the City has given every year since the annexation a Resolution of waiver to our rules regarding the shooting of firearms in the City limit. Mr. Maclin stated that if it pleases the Council since this request is consistent and typically at the same time each year and the same kind of function, staff has included in the wording that the City can waive this, and allow this to be done year after year with a letter to the Police Department saying that they are requesting to hold the event again and that no significant changes have been made in the way they host the event, and they would not have to come back to Council each year.

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 Campgrounds be approved as presented. A unanimous affirmative vote was recorded.

16. RESOLUTION - APPROVED - ANGELINA COUNTY APPRAISAL DISTRICT - CITY'S REPRESENTATIVE - DON BOYD

Mayor Bronaugh stated that the next item for consideration was a Resolution for appointment of the City's representative to the Angelina County Appraisal District.

Mayor Bronaugh stated that Mr. Boyd has been the City's representative from the Council for approximately six years and he has chosen to remain as the City's representative.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Resolution appointing Don Boyd to the Angelina County Appraisal District as the City's representative be approved as presented. A unanimous affirmative vote was recorded.

17. BUDGET AMENDMENT #5 - APPROVED

Mayor Bronaugh stated that the next item for consideration was Budget Amendment No. 5.

City Manager Maclin stated that this Budget Amendment #5 includes some documentation and budget amendments that Council technically approved at the May 4th Council meeting for the purchase of some standby generators. Mr. Maclin stated that it also provides a paper trail or audit trail relating to some grants that were received by the Police Department for overtime expenses. Mr. Maclin stated that this would provide the appropriate reallocations for those funds that are received and expended in order to accomplish the grant.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that Budget Amendment No. 5 be approved as presented. A unanimous affirmative vote was recorded.

18. SCHOOL-BASED PARTNERSHIP GRANT - APPROVED - POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was a School-Based Partnership Grant as requested by the Police Chief.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from Chief Collins along with a letter of explanation from Sgt. Harold Cottle on School-Based Partnership Grants followed by a letter from the United States Department of Justice recognizing the City's designation as a recipient of this grant.

Sgt. Cottle stated that this School-Based Partnership Grant is an attempt by the Federal Government to bring law enforcement and a particular school within a school district together to research and address a specific safety or crime issue within a school. Sgt. Cottle stated that the Federal Government specified a list of five different areas that had to be chosen from and LISD, Lufkin High School, chose the area of safety or assaults within the school. Sgt. Cottle stated that what the School-Based Partnership attempts to do is take a problem solving approach to addressing the issue of assaults in schools, and it is a research approach where the law enforcement agency and the school would work together to first of all identify whether or not there is a problem, secondly to what extent the problem is and where it comes from, develop some type of intervention, and then reassess the problem after a certain specified intervention period to see if there had been any change in the problems. Sgt. Cottle stated that this grant pays for consulting fees from local universities which is encouraged by the Federal Government to develop survey forms and analyze the data and develop a report based upon this data analysis. Sgt. Cottle stated that the grant also pays for overtime money for the teacher that will be working with the grant and pays a stipend for high school students to assist with the data collection, will pay for equipment (specifically lap top computers, desk top PC's, color printers, monochrome printers, scanners and all the equipment that was described in the grant that would be needed in the analysis of this particular topic). Sgt. Cottle stated that also funded in the grant is software for crime analysis that will be available for all of the computers and any equipment that is purchased with the grant funding will be property of the primary applying agency which is the LPD, upon the end of the grant period.

In response to question by Mr. Robertson, Sgt. Cottle stated that this is considered a one year grant but there is leeway if at the end of 12 months there is still some data to analysis or survey forms to gather. Sgt. Cottle stated that if this grant is available next year the City could reapply for another school or particular crime problem within the schools. Sgt. Cottle stated that the Department of Justice is hoping that this partnership that is developed between law enforcement and schools will be an on-going process to continue to address problems in a similar manner.

In response to question by Mr. Robertson, Sgt. Cottle stated that the evaluation will be provided by the Police Department, the primary applying agency. Sgt. Cottle stated that once they have the evaluations of the last surveys to see how effective

their intervention was that will be reported. Sgt. Cottle stated that there will be periodic 90 day reports to the Department of Justice. Sgt. Cottle stated that there is no obligation on the part of the City of Lufkin to continue with any financing or any finance sharing involved with the City – this is a block end grant period in that when it is over, it is over, and the City is not obligated to continue after that.

In response to question by Mr. Gorden, Sgt. Cottle stated that LPD employees who would be involved in this grant do not have the flex time available or the time available with the normal work day to devote to this project so it was budgeted in the grant for overtime money to cover that.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that submission of an application for a School-Based Partnership Grant as requested by the Police Chief be approved as presented. A unanimous affirmative vote was recorded.

19. CARPET REPLACEMENT – APPROVED – CITY HALL SECOND FLOOR – FLOORS UNLIMITED

Mayor Bronaugh stated that the next item for consideration was authorization to replace carpet in several offices on the second floor of City Hall.

City Manager Maclin stated that included in the Council packet is a bid tabulation for this item. Mr. Maclin stated that staff received three bids, two of which were very close, and the staff recommendation is the low bid of Boots Furniture Store in the amount of \$13,241.22.

Mr. Bowman stated that he was inclined to give the bid to the Lufkin firm, which was very close to the out of town firm. Mr. Flournoy stated that the criteria the Council has to go by is the "lowest and best bid", it must fall into that category. Mr. Flournoy stated that other than just the lowest bid, there are other considerations – the fact that they are in town, the service, they are more available, Council has the right to take those things into consideration. Mr. Bowman stated that there is a difference of \$56.

Mr. Robertson stated that on the Boots Furniture bid they stated that there is no moving of furniture and no cross seams or no cove base figured in, and he did not see that on the other bids. Mr. Cochran stated that City crews will move all of the furniture out and the bid from Boots was based upon the way they lay the seams. Mr. Cochran stated that he wanted to add that this past Legislature made an allowance for local bidders. Mr. Cochran stated that this new law has not been tested in the Courts yet, but if the bid is within 3% of the local bidder you can award the bid to the local bidder.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. to accept the best bid of Floors Unlimited in the amount of \$13,297.20. A unanimous affirmative vote was recorded.

20. BID – APPROVED – HGAC – GARBAGE BAGS

Mayor Bronaugh stated that the next item for consideration was bids for garbage bags.

City Manager Maclin stated that this comes as it has in recent years through the Houston Galveston Area Council purchasing program, and the bid for the black bags is \$2.18 a roll and \$3.50 for the blue bags, which is actually a slight decrease from last year.

In response to question by Mayor Bronaugh, Mr. Maclin stated that every household gets one box of black bags and one box of blue bags once a year, normally in the fall.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that bid of HGAC in the amount of \$2.18 for black bags and \$3.50 for blue bags be approved as submitted. A unanimous affirmative vote was recorded.

21. AGREEMENT – APPROVED – ANGELINA COUNTY – ANIMAL CONTROL SERVICES

Mayor Bronaugh stated that the next item for consideration was an Agreement with Angelina County to provide animal control services.

City Manager Maclin stated that included in the Council packet is a written agreement that spells out the details and provision of services based on a service fee equivalent to \$30.75 per hour and also a flat fee charge per animal for dogs or cats that are picked up and held. Mr. Maclin stated that in the past we have attempted to do a cash less exchange of services by providing a County Animal Control Officer in turn for a deputy sheriff who brings prisoners from the County jail to work at the recycling center, and now we will be going back to a situation where we each pay for the services that are rendered.

Mr. Flournoy stated that he and Cathy Clark had talked today about item #3, the flat rate of \$15 per animal for dogs and cats that are picked up and held. Mr. Flournoy stated that normally an animal is only held for three days and that is how they came up with \$15 per animal, but there may be instances where there are bite cases or dangerous dog situations that may have to be held a little longer so he is proposing to make that \$5 per animal per day instead of a flat \$15. Mr. Flournoy stated that if Council approves the Agreement it will then be submitted to the County Judge for their approval.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Agreement with Angelina County to provide animal control services to include a fee of \$5 per animal per day be approved as presented. A unanimous affirmative vote was recorded.

22. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session at 6:08 p.m. to enter into Executive Session. Regular session reconvened at 7:09 p.m. and Mayor Bronaugh stated that Councilmembers had discussed attorney/client matters, and appointments to Boards and Commissions.

23. APPOINTMENTS – APPROVED – CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Mark Strong, Sammy Ferrara and Billy Weisinger be reappointed to the Construction Board of Adjustment and Appeals. A unanimous affirmative vote was recorded.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Paul Kollauf, Randall Taylor, J. R. Shankle and John Kondroik be appointed to the Construction Board of Adjustment and Appeals as alternate members. A unanimous affirmative vote was recorded.

(City Manager Maclin asked Council to hold a decision on the appointment of alternates until the next meeting. Councilmembers agreed to do so.)

24. APPOINTMENT – APPROVED – PLANNING & ZONING COMMISSION – COOPER CASTLEBERRY

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Cooper Castleberry be reappointed to the Planning and Zoning Commission. A unanimous affirmative vote was recorded.

25. COMMENTS

Mrs. Jones stated that as of last week she had changed her place of residence and is no longer residing in Ward 3, therefore she is offering her resignation. Mrs. Jones

stated that it had been a pleasure to work with each of the Councilmembers and a honor to represent the citizens of Ward 3. Mrs. Jones stated that she will miss the Council, but as of tonight her resignation will be in effect. Mr. Gorden stated that the Council would loose one of the better people that the City of Lufkin has ever had, and he was certainly saddened by Mrs. Jones' necessity to resign.

Councilmembers Bowman, Kuykendall, Boyd and Robertson expressed their appreciation for Mrs. Jones' service on the Council. Mr. Robertson stated that Mrs. Jones was responsible for getting him involved with City affairs starting with the Planning & Zoning Commission.

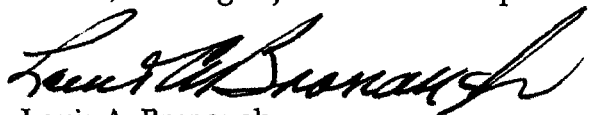
Mr. Flournoy stated that he had served the City for 30 years and had seen a lot of Councilmembers come and go and considered himself to be a good judge of character. Mr. Flournoy stated that, in his opinion, Mrs. Jones was the most honorable and served as ably as anybody he had ever seen on the Council. Mr. Flournoy stated that the City has been very fortunate for her service.

Mr. Maclin stated that on behalf of the City staff he would also like to echo their appreciation for Mrs. Jones' support and her efforts in drainage controls will be long remembered as a changing event that helped provide the type of preparation that we need in a Drainage Manual and Drainage Master Plan, and it was her undying support that she consistently gave to that that helped it gain the level of priority that it now has to protect citizens in the future, and from that standpoint staff appreciates all of her support that she has given to help make Lufkin a better place.

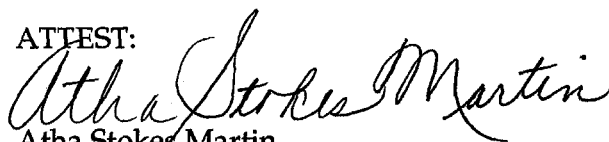
Mrs. Jones stated that she had not mentioned the staff in her comments, but wanted to add that the City has a wonderful staff and that she had enjoyed working with each of them and without any exceptions they are a professional, highly motivated group of people.

Mayor Bronaugh stated that it was a privilege to work with Mrs. Jones.

26. There being no further business for discussion, meeting adjourned at 7:15 p. m.


Louis A. Bronaugh
Mayor

ATTEST:


Atha Stokes Martin
City Secretary