

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF LUFKIN, TEXAS, HELD ON THE  
22ND DAY OF MARCH, 1994 AT 5:00 P.M.**

On the 22nd day of March, 1994 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
Don Boyd	Mayor pro tem
Percy Simond	Councilman, Ward No. 1
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Cedric Kenebrew, New Zion Baptist Church. Mayor Bronaugh welcomed Rev. Kenebrew to Lufkin.

2. Mayor Bronaugh welcomed visitors present.

3. **RECOGNITION AND PRESENTATION OF CRIMINAL JUSTICE AWARD - LUFKINLAND NEIGHBORHOOD ASSOCIATION**

Mayor Bronaugh presented a Criminal Justice Award plaque to Rev. N. C. Simmons who accepted the plaque as a representative of the Lufkinland Neighborhood Association.

4. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of March 1, 1994 were approved on a motion by Councilman Larry Kegler and seconded by Councilman Bob Bowman. A unanimous affirmative vote was recorded.

5. **PUBLIC HEARING - ANNEXATION PROCEEDINGS - BRENTWOOD DRIVE AND WHITE HOUSE DRIVE**

Mayor Bronaugh opened Public hearing to consider annexation proceedings at the southeast corner of Brentwood Drive and White House Drive.

No one appeared for or against the annexation.

Mayor Bronaugh closed Public Hearing.

6. **PUBLIC HEARING - DEDESIGNATING EXISTING ENTERPRISE ZONE - NOMINATION OF NEW ENTERPRISE ZONE**

Mayor Bronaugh opened Public Hearing to consider dedesignating the existing Enterprise Zone and nominating a new area as an Enterprise Zone.

City Manager Maclin stated that in November of last year the City received a visit from the Economic Empowerment Resource Team from the Texas Department of

Commerce and the Texas Department of Housing and Community Affairs. City Manager Maclin stated that staff discussed with them some ways to expand the City's Enterprise Zone to provide assistance to existing industry and businesses in our community. City Manager Maclin stated that one of the businesses that could see some tangible benefit from Enterprise Zone membership is Champion International, and staff has worked with Champion and the Department of Commerce in preparing the revised zone, which is included in the Councilmember's packets. City Manager Maclin stated that the Enterprise Zone was first created in 1988, and this will be a dedesignation and a redesignation of the area that is highlighted on the map in the packet. City Manager Maclin stated that basically the intent of this revision was to add Champion to the Enterprise Zone to insure that the City was able to pursue Enterprise Project designation for Texas Foundries, and to also add a new industrial park site on FM 819. City Manager Maclin stated that consequently some areas that were in the Enterprise Zone had to be changed or reduced due to the State qualifying thresholds that require 11.25% unemployment and some areas had to be deleted that were included in the Zone in 1988. City Manager Maclin stated that the positive aspect is that this will accomplish the goals and direction that was set forth from the initiatives that were proclaimed in November and December with the empowerment team, and will provide some immediate benefit to both Champion International and Texas Foundries. City Manager Maclin stated that staff is seeking public input today relating to this dedesignation/redesignation of the Enterprise Zone, and later in the agenda there is a Resolution to be considered for adoption of this Enterprise Zone to be submitted to the Texas Department of Commerce for approval.

Florine Nerren, 919 Peoples Street, stated that she would like to pose a two-part question to the Council, and she would like it answered verbally and a written response as well. Mrs. Nerren asked if there was any clause in this proposal that will prevent the neighbors from building, or to bring a building onto the land they own; and (2) if this proposal is accepted, will the City in a few months or years, come back and force the neighbors to sell their land to the papermill, to the City, or to the State, and when they say "no" will the land be condemned?

City Manager Maclin stated that the City cannot condemn property for the purpose of assisting private business. City Manager Maclin stated that the only condemnation authority that municipal governments have is for right-of-ways for a street, utilities, water or sewer. City Manager Maclin stated that the Enterprise Zone has nothing whatsoever to do with any intention of any condemnation, any acquisition of any property or would in no way impact the neighbors ability to build on their property as they see fit. City Manager Maclin stated that the Enterprise Zone is strictly a program to assist business in gaining incentives and advantages so that they can compete on a global basis by lowering their cost of production. Tangible benefits from being in an Enterprise Zone and an Enterprise Project Designation include a reduction in electrical rates, a rebate of sales tax from the State and a refund, in some cases, of a franchise tax paid to the State. City Manager Maclin stated that in essence the designation of an Enterprise Zone would actually make the property more valuable from a standpoint of the things that could be gained in terms of incentives and advantages from the State of Texas and the City of Lufkin. City Manager Maclin stated that there are no other negative impacts that he was aware of in any program across the State of Texas who participated in the Enterprise Zone Program. City Manager Maclin stated that there are no hidden agendas, and the only thing the City is trying to do is to help Champion gain this designation so that they can gain these benefits, and it has nothing to do with property acquisition or construction.

Jimmie Smith asked what areas were deleted and what was the reason they were deleted. City Planner Abraham displayed maps of the two Enterprise Zones. City Manager Maclin stated that the reason for deletion of some of those areas is because in 1988 the unemployment statistics were different than what they were in 1993-94. City Manager Maclin stated that the City has to comply with current statistics or current unemployment data, and in order to qualify must meet a criteria of 1 1/2

times the State or national average in unemployment (for the City it is approximately 11.25% unemployment). City Manager Maclin stated that those areas that could not reach the aggregate total had to be deleted.

In response to question by Mrs. Smith, City Manager Maclin stated that it was necessary to take in the 60-70 acres she questioned in order to meet the current census tracts. City Manager Maclin stated that the City had to have certain lines that coincide with census bureau tract numbers, but in terms of minimum acres, there are minimums and maximums and only a certain amount of acreage that could be added to the Enterprise Zone that would be out of the City limits. Acreage can only be added that meets the unemployment criteria.

Mayor Bronaugh stated that this does not have anything to do with "zoning".

City Manager Maclin stated that the Enterprise Zone is a tool in which to encourage, retain, and create jobs in Lufkin.

In response to question by Mrs. Smith, City Manager Maclin stated that if the Council chooses not to pursue this, the old Enterprise Zone would continue to exist.

City Planner Abraham stated that he would like to add one last point, the Resource Team mentioned that the City should amend their Enterprise Zone in order to get project designation not just for Champion International but also Texas Foundries. The Enterprise Zone, as it exists today, does not have the unemployment rate to qualify Texas Foundries for getting project designation.

Mayor Bronaugh closed Public Hearing.

**7. ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - ANIMAL SHELTER - JESSIE BLACKBURN SURVEY - LIGHT MANUFACTURING - WEST LOOP - ANGELINA COUNTY HUMANE SOCIETY (BUDDY ZEAGLER)**

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance for a Special Use Permit for an animal shelter on approximately 3.966 acres out of the Jessie Blackburn Survey currently zoned Light Manufacturing located on the inside of the West Loop as requested by Buddy Zeagler, on behalf of the Angelina County Humane Society.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - (PRIVATE CLUB) - CENTRAL BUSINESS ZONING DISTRICT - BARRION JOHNSON/JERRY MOORE**

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance to amend the Special Use Permit for a private club at 112 S. First Street within a Central Business zoning district as requested by Barrion Johnson on behalf of Jerry Moore.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that Ordinance be approved on Second Reading as presented. The following vote was recorded:

Aye: Councilmen Kegler, Boyd, Simond, Gorden, and Mayor Bronaugh  
Nay: Councilmen Bowman and Weems

Motion carried by a vote of 5 to 2.

**9. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE AND RESIDENTIAL LARGE, SPECIAL USE (TRUCK TERMINAL) TO COMMERCIAL - RUFUS DUNCAN, JR. AND OTHERS**

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance for a Zone Change on approximately 43.07 acres located at the northwest corner of Loop 287 and Homer Alto Road from Residential Large and Residential Large, Special Use (Truck Terminal) to Commercial as requested by Rufus Duncan, Jr. and others.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Ordinance be approved on Second Reading as presented. A unanimous affirmative vote was recorded.

**10. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - EDUCATIONAL FACILITY FOR PRE-SCHOOL AND SCHOOL AGE CHILDREN - RESIDENTIAL LARGE ZONING DISTRICT - FEAGIN DRIVE - VIRGINIA NELSON**

Mayor Bronaugh stated that the next item for consideration is a request by Virginia Nelson for approval of a Special Use Permit for an educational facility for pre-school and school age children on an 11.46 acre tract of land located on the east side of Feagin Drive within a Residential Large Zoning District.

No one appeared in opposition of the request.

Motion was made by Councilman Tucker Weems and seconded by Councilman Don Boyd that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**11. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - LOCAL BUSINESS - SPECIAL USE PERMIT - SHOPPING CENTER - TULANE DRIVE AND LOOP 287 - PHILIP GOODWIN/LUFKIN FEDERAL SAVINGS & LOAN/DR. RAUL GUTIERREZ**

Mayor Bronaugh stated that the next item for consideration is request of Philip Goodwin on behalf of Lufkin Federal Savings & Loan and Dr. Raul Gutierrez to change the zoning on approximately 10.412 acres of land at the northeast corner of Tulane Drive and Loop 287 to a Local Business zoning classification with a Special Use Permit for a Shopping Center.

City Manager Maclin stated that included in the Councilmember's packet is a recommendation from the Planning & Zoning Commission that describes this particular location and shows the makeup of various acreages being requested for a zone change (there are multiple zone changes in terms of current existing zoning classifications). City Manager Maclin stated that the site plan has several features that were included in the Planning & Zoning Commission's recommendation for approval that included a landscape buffer, an eight foot tall wooden site bearing fence, improvements on the frontage road, lighting on the shopping center that would be directional and measurable controlled spillover into adjacent property. City Manager Maclin stated that in the Planning & Zoning Commission meeting there were other things added - 1) the developer will restripe the southbound approach at Tulane Drive at its intersection with a proposed site driveway to provide a southbound left turn lane for the shopping center and a southbound thru lane, 2) No outside p. a. system, 3) Maintenance of the shrub and tree buffer and replanting if necessary, and 4) Provision of a secondary level of vegetation.

City Planner Abraham stated that when staff was first approached about the possibility of a zone change on this piece of property the first thing he did was consult the future land use of the Comprehensive Plan to get an idea of the approved land use policy that both the Planning & Zoning Commission and the

City Council has adopted. Mr. Abraham stated that he then went to the text of the Comprehensive Plan for any specifics it might have related to the site. Mr. Abraham stated that at this point he looked at the site to see what external impacts there might be involved in the site, such as, adjacency to residential properties, traffic impacts, etc. Mr. Abraham stated that once he determined the general compliance with the Comprehensive Plan, he spoke with the developer and told him the things that he needed in order to evaluate this request properly. Mr. Abraham stated that (1) he asked the developer to provide him with a traffic impact study that would not only tell him the trips generated but also would provide him with a directional distribution. Mr. Abraham stated that he informed the developer that he was very interested in providing as much buffer between the residents to the north of this site as we could. Mr. Abraham stated that he wanted the developer to control the lighting on the property. Another feature of the site is an eight foot wooden fence. Mr. Abraham stated that he had asked the developer to look at the location and work out with the residents whether it should be on the north side of the buffer or on the south side - at this point, it is on the south side of the landscape buffer, because it does provide a better sound barrier. Mr. Abraham stated that everything he had asked of the developer from a land use standpoint, they have to the best of their ability provided. Mr. Abraham stated that he had recommended approval of the zone change to the Planning and Zoning Commission.

John Fleming, attorney, stated that he was representing Dr. Raul Gutierrez, Lufkin Federal Savings and Loan Association, who are the owners of the property, and Stanley Williams, a representative of the Target Stores. Mr. Fleming stated that he was before the Council tonight because of a request to rezone a 10 acre tract of land that is located on the north side of Loop 287 in the vicinity of Tulane. Mr. Fleming stated that the existing zoning is Residential Large with respect to three acres, and looking at the map the blue area is the 10.4 acres that is currently zoned Residential Large, and next to that is an area (yellow and cross-hatched in blue) which represents the balance of the property, currently zoned Local Business, Special Use, Medical Office Buildings. Mr. Fleming stated that looking at the map you will see what has become a retail corridor around the access of Loop 287 and U. S. 59. Mr. Fleming discussed the different zoning designations in the vicinity of Loop 287 and U. S. 59. Mr. Fleming stated that the area indicated in red currently bears a zoning designation of either Commercial, Light Manufacturing or Neighborhood Retail. The area indicated in yellow is currently designated as Local Business. Mr. Fleming stated that there is a tremendous increase in retail and commercial development in this general vicinity. Mr. Fleming stated that because the retail center of Lufkin is developing along this access, this makes an excellent site for the construction of a Target store and for some adjacent freestanding lease space. Mr. Fleming stated that the Council will be hearing a lot of things tonight about what the Council should consider. Mr. Fleming stated that when one comes before the Council to request a zone change, one should not come indiscriminately. Mr. Fleming stated that one is bound to follow the dictates of appropriate zoning and planning procedures as outlined by law. Mr. Fleming stated that members of the Council are aware that the City can only enact a zoning ordinance in accordance with State law and State law requires that a zoning ordinance must be enacted pursuant to a Comprehensive Plan. The Comprehensive Plan deals with the City in its entirety, not with a small particular tract of land specifically. Mr. Fleming stated that when Council determines whether or not a zone change is appropriate for a particular tract of land one must first look to the Comprehensive Plan of the City and if the use proposed by the person requesting the zone change is consistent with the Comprehensive Plan of the City, and if it is consistent with the zoning designation as provided in the Zoning Ordinance for that requested use, then it is appropriate. Mr. Fleming stated that he would suggest it is incumbent upon the City to act accordingly pursuant to the Comprehensive Plan. Mr. Fleming stated that the Planning and Zoning Commission and this Council has adopted such a Comprehensive Plan for the City of Lufkin. Mr. Fleming presented a map from the Comprehensive Plan showing the zoning in the vicinity of the requested zone change area. Mr. Fleming quoted from the Comprehensive Plan (p. 42): "New

areas for commercial development are also shown along nearly all of the eastern and southern sections of Loop 287. The purpose for this designation is to provide an ample number of large, easily accessible sites for new businesses locating in Lufkin. It is anticipated that this strategy will enhance the City's reputation as a regional center and increase local employment opportunities." Mr. Fleming stated that the proposal he was bringing to the Council tonight does just that by adding another major, national quality retailer in a retail corridor as it is developing along the 59-Loop 287 access. Mr. Fleming stated that it provides a large site to attract a new business, it will enhance Lufkin's reputation as a retailing center, drawing from out of the county, bringing dollars into this community, and providing job opportunities for the citizens of Lufkin. Mr. Fleming stated that in addition, one might ask aren't we having an over concentration of retail because we have the Lufkin Mall, the Angelina Mall, and why do they all want to go to the same place. Mr. Fleming stated that the Council in its wisdom has answered that question already because on page 7-5 of the Comprehensive Plan it states: "that commercial uses clustered together often do better than scattered commercial uses because each store benefits from the customers drawn by other stores and because a concentrated shopping district will attract customers from a wider market area than any single store." Mr. Fleming stated that by locating Target in the same vicinity of the Angelina Mall, Lufkin Mall, and upstream from Walmart, we have created that central retailing center which will provide synergy for a retail movement and retail development in this community which will further add to the attractiveness of this community as a regional retailing center. Mr. Fleming stated that his analysis does not end there. Mr. Fleming stated that he comes before the Council today because he represents a responsible client who is willing to work with the City and its neighbors and his neighbors, and proposed neighbors to develop a project that will benefit the City and minimize any adverse impact on adjacent property. Mr. Fleming stated that Mr. Abraham has already outlined to Council Mr. Stanley William's efforts to meet the request that the City has asked him to meet. Mr. Fleming stated that Mr. Williams has attempted to contact and meet with property owners, and hosted a meeting at the Chamber of Commerce and invited property owners to attend. Mr. Fleming stated that as late as this past weekend and Monday, Mr. Williams was open and accessible for meeting with property owners who wanted to discuss their concerns. He has met with many of them individually. Mr. Fleming stated that as an outgrowth of all those meeting, they have developed the plan which they will provide for Council this evening. Mr. Fleming stated that his group will now explain to Council as to how they have designed their request in order to minimize the impact it has on the adjacent residential neighborhood and how they have taken into consideration all of the requirements for zoning in order to make this a quality project that they can be proud to recommend to Council and Council can be proud to adopt.

Mr. Fleming introduced Charles Thompson, the project architect, who will discuss with Council the site plan, the landscaping buffer, the requirement for fencing and related areas. Mr. Fleming stated that also present is Bill Tipton, the traffic engineer, who is here to discuss the results of the traffic study that he performed at the request of Mr. Williams. Mr. Fleming stated that Philip Goodwin was also present and had been engaged as an engineer on the project and would be available for questions. Jerry Huffman, representing the Chamber of Commerce, will speak on economic issues.

Mr. Thompson stated that he was present representing Target stores. Mr. Thompson stated that the site is a 10.4 acre site in the northeast corner of the intersection of Tulane and Loop 287. Mr. Thompson stated that the proposed development is a three-part development: 7.45 acres of the land will be developed to build an 89,500 SF Target retail store; the second phase is a 16,000 foot retail building which is in support of the Target store. Mr. Thompson stated that commonly a retail facility like this will be occupied by tenants who specifically position themselves next to a store like a Target, K-Mart or Walmart. Mr. Thompson stated that an example of the retailers to occupy this building might be Pay-Less Shoes, Westport Ltd., Ladies ready-to-wear, Supercuts Hair Stylist. Mr.

Thompson stated that the final piece is the block adjacent to the brown building at the top of the drawing, and adjacent to Tulane, which is a 1.78 acre reserve. Mr. Thompson stated that it is projected that there will be a building constructed on this tract not to exceed 7,600 SF (there is no user at this time). Mr. Thompson stated that Target Stores national requirement for parking is that there is no less than 5 cars per 1,000 SF of retail gross leasable area. The parking that has been provided for the Target Store is for 448 cars. To be in compliance with the 5/1,000 requirement for the lease space, space is required for 86 cars. The planning for the future building would dictate 5/1000 or 38 cars. Mr. Thompson stated that as an aggregate there will be 572 cars to support approximately 112,000 SF, which is in compliance with the City's Zoning Ordinance. Mr. Thompson stated that he has taken into consideration the residential area to the north and left an existing tree buffer all along the north property line of this site. Mr. Thompson stated that these are very tall trees and his client has agreed to go in and plant understory planting to help fill this area. Mr. Thompson stated that in addition to that, he has proposed from the onset an eight foot wooden fence to go along the entire north property line of this site. Mr. Thompson stated that going along the east side he is proposing to put in an eight foot wooden fence with the attribute of having masonry columns on 30 foot centers that would be in keeping with the masonry of the Target Store building. Mr. Thompson stated that Target Stores builds a concrete, masonry building typically, a split-face CMU, the same type material the Walmart store is build with. Mr. Thompson stated that the building will be no more than 24 feet high, and a typical building has a parapet on three sides with a gutter and downspout arrangement for taking care of storm water on the back side of the building. Mr. Thompson stated that it has been noted that the neighbors to the east have the visibility of the back of the building, and have taken into consideration to completely parapet around the building and take the storm drainage down on the inside of the building to leave a clean rear masonry wall on the back of the building. Mr. Thompson stated that the power will come in underground. The building is painted in earth tones with a red accent strip about 10 feet high. Mr. Thompson stated that Target has a policy of landscaping their parking lot area to provide some relief from the sea of asphalt. Mr. Thompson stated that trees, shrubbery and sod will be planted and irrigated to help insure that this plant life will survive during the summer months. Mr. Thompson stated that there will be three accesses along Loop 287; the east further most access will be for service; the next two accesses will be for customers. There will be a deceleration lane at the first access off of Loop 287 to allow traffic an opportunity to slow down and enter the site. The other access to the site will be off of Tulane. Mr. Thompson stated that the parking lot will be well lit for security with directional high pressure sodium type lighting to make it safe for shoppers during the night time hours. Special consideration is being given for the fixtures on the north side to limit any intrusion of light in the direction towards the north. Deliveries will be taken by Target at the northeast corner of the building during morning hours. Mr. Thompson stated that also in this area is the trash removal facility, and Target stores employ a compactor which is loaded from inside the building. Mr. Thompson stated that he wanted to assure the people in the audience that Target stores does not, and will not, employ an outdoor P. A. system for this facility.

Bill Tipton, Sr., Traffic Engineer, stated that he had been hired by Target to do a traffic impact study of this particular project. Mr. Tipton stated that in this analysis he studied the Tulane Drive intersections at the south frontage road, at the north frontage road, at the Lufkin Mall, at the bank driveway, at Card Drive and also studied the proposed site driveways on Tulane Drive and on the north frontage road. Mr. Tipton stated that he and his team were here on January 20th and accomplished traffic counts at all these locations in the afternoon time period from 4 to 6 p.m. by 15 minute time periods. The four highest time periods were taken and used for the peak hour volume upon which to base the analysis of the existing traffic situation. Mr. Tipton stated that peak time period occurred from 5 to 6 p.m. Mr. Tipton stated that he accomplished two other counts during their data collection process - one was to determine how much of the traffic using Card Drive at the present time goes to the Lufkin Mall. Mr. Tipton stated that the traffic counts

documented during this peak time were 16 vehicles that used Card Drive that went to or from the Mall. Also, counted was the interaction between the Mall and K-Mart anticipating there would be the same interaction between the proposed Target store and the Mall. Mr. Tipton stated that he obtained the mapping and traffic zones of the dwelling unit information for the Lufkin area and based upon that information they determined the most logical route that people from the various homes would use going to and from the Target Shopping Center. The results of that was 71% of the traffic using Loop 287 and the frontage road system to get to the site; 5% from the Mall; 20% from Tulane Drive; and 4% from Card Drive. Mr. Tipton stated that he has recommended that Tulane Drive be restriped at the Target driveway so that a south bound left turn lane can be provided to get those left turns out of the way of the south bound through traffic while they are waiting to turn into the Target store. Mr. Tipton stated that his conclusion is that the additional traffic on Card Drive could be expected to be 16 cars during this highest p. m. peak hour at most. Mr. Tipton stated that 16 more cars on Card Drive would not be considered a high number. Mr. Tipton stated that his conclusion is that there is not a significant traffic impact on Card Drive, and on the basis of the traffic study he was requesting Council approval of the zoning change.

Philip Goodwin, engineer, stated that he was present to report on an incident that happened last week that was reported in the news media and he would like to give the details of the incident. Mr. Goodwin stated that last Tuesday morning he was contacted by representatives from Target who had talked to some City officials on another matter and they were concerned because they had a report that neighbors had reported that Target was clearing the site at the proposed tract. Mr. Goodwin stated that at Target's request he investigated and found that there was a coring rig on the site gaining soil samples to be used in the preliminary evaluation of this site required by Target in order to decide whether to purchase this site if everything was approved and goes forward. Mr. Goodwin stated he found that there was no clearing but what was happening is that the coring rig that was being used to obtain the soil samples needed some of the underbrush cleared away in order to maneuver on the site and they had a bulldozer out there to clear the underbrush. Mr. Goodwin stated that they were taking great pains to insure that they did not remove any large trees and only enough underbrush necessary to get the core rig on the site. Mr. Goodwin stated that he reported to Mr. Williams who was in Minneapolis at the time, and Mr. Williams became very concerned about this because it was a surprise to him. Mr. Goodwin stated that he reported to Mr. Williams that there was an area in the buffer zone that the underbrush had been cleared out and about four 4" diameter trees had been knocked over. Mr. Williams insisted that 12 trees be planted to replace the four trees, varying in size from 3" to 5" in diameter, comprised of six Bradford pears, three live oak trees and three silver leafed maples. Mr. Goodwin stated that also subsequently some understory leaves have been spread on the site to try and restore the forest floor. (This was done on the same day as the bulldozer knocked over the four trees.) Mr. Goodwin stated that in the photographs that are being passed around, the first photograph shows the condition of that area after the core rig finished and the second photograph shows the restoration that was done. Mr. Goodwin stated that he wanted to clear up any misconception that took place over this incident and also to demonstrate to Council what Target upon hearing of the incident did to go out of their way at a cost of almost \$3,000 to replace that small area that was disturbed in the buffer zone.

Jerry Huffman, Executive Director of the Angelina Chamber of Commerce, stated that the Chamber has been, is, and will be involved in efforts to promote and increase the economic base of our area. Mr. Huffman stated that several years ago the Chamber Board of Directors made a specific decision to adopt as a main priority of the Chamber's economic development efforts a goal to position the Lufkin/Angelina County area as a regional hub for medical facilities, governmental services and retail. Mr. Huffman stated that for that reason the Chamber has become a strong advocate for the expansion of our existing medical facilities, increasing offices for both State and Federal services, and new businesses that would continue to solidify our already strong position as a regional center. Mr. Huffman



stated that it is the Chamber's belief that the location of Target into our employment base is positive and in keeping with that regional goal. Mr. Huffman stated that Target has indicated its desire to locate here and become an investor in the future of our local economy, because they will be a regional draw for our retail sector. Mr. Huffman stated that for the many shoppers who are now going to Tyler or Houston to shop Target, they will now be coming to Lufkin. Mr. Huffman stated that Target is the type of retail store that will enhance Lufkin's market draw - a market draw which in a 50 mile radius is already in excess of 350,000 people. Mr. Huffman stated that Target will be a major taxpayer, contributing approximately \$200,000 a year to the local taxing entities. Mr. Huffman stated that they will immediately be a primary contributor to the City of Lufkin's sales tax receipts, which already lead our region. Mr. Huffman stated that within 12-18 months after they open they will be contributing in excess of \$300,000 per year in sales tax of which a large majority will be new sales tax to both City, County and State coffers. Mr. Huffman stated that finally, and most importantly, they will be an investor because they will be a key employer maintaining a work force of approximately 125-130 persons, both part time and fulltime. Mr. Huffman stated that the Chamber Board of Directors believes that Target will be an asset to the Lufkin business community and urges the Council to accept the recommendation of the Planning and Zoning Commission and help bring this new facility to Lufkin.

Joe Ben Vaughan, retired engineer for the Department of Transportation, stated that he had read in the newspaper that someone had made the statement that Tulane Drive was adequate for this zone change request, and he would like to point out some deficiencies in Tulane. Mr. Vaughan stated that one problem area was around the curb at the apartments located near the park. Mr. Vaughan stated that any increase in traffic along that corridor would compound the existing problem. Mr. Vaughan stated that another problem area is at the intersection of Tulane and Timberland Drive. Mr. Vaughan stated that these problems, in his opinion, need to be addressed.

Charles Prah, who resides at 495 Card Drive, stated that Card Drive at this time is a real quiet community. Mr. Prah stated that his house will face the back of the Target Store. Mr. Prah stated that he and many of the neighbors have been burglarized in the past five years. Mr. Prah stated that he would like to appeal to the Council to go by the Golden Rule in this request.

Dr. Darwin Foster, who resides at 400 Card Drive, stated that his home is located directly behind where the Target store will be located. Dr. Foster stated that his back yard will be approximately 80' from the parking lot and his back yard will be a short distance from the loading dock if this zone change is approved. Dr. Foster stated that he is present to ask the Council to vote against the zone change. Dr. Foster stated that throughout this entire process the property owners have fought an up hill battle and most of the people they have talked to have told them that this is a "done deal". Dr. Foster stated that also throughout this process the residents received no help from the City staff as to what was going on. Dr. Foster stated that the City staff has given no guidance as to what to anticipate or what was happening. Dr. Foster stated that what he knows about this project is what Mr. Williams told him at a meeting at his office. Dr. Foster stated that the property owners have been put in the position of negotiating with someone who is petitioning the City Council to change the zone that they do not agree with. Dr. Foster stated that in regard to the meeting with Mr. Williams at the Chamber of Commerce, the residents received notification of the meeting at 5:30 p.m. on Tuesday evening, and the meeting was to be held that following Thursday. Dr. Foster stated that he checked with the City to see if a representative would be present and found that no City employee was scheduled to be present at the meeting. Dr. Foster stated that at the Planning & Zoning Commission meeting he presented a petition with 52 signatures of people living in the neighborhood who opposed Target building in this location. Dr. Foster stated that many of those people were present tonight and he would like for them to stand. (Approximately 40 people stood.) Dr. Foster stated that he would like to point out that a number of elderly people were unable to attend the meeting

tonight, but had signed the petition. Dr. Foster stated that the neighborhood did not feel that they had received a fair hearing at the P&Z Commission meeting. Dr. Foster stated that after they voiced their opposition, the rest of the meeting was dedicated to discussing concessions that could be made to make this zone change more palatable. Dr. Foster stated that the neighbors felt that the P&Z Commission members came to the meeting with their minds made up, and as a result they were here this evening having to convince 3/4's of the Council to vote against the change. Dr. Foster stated that if the P&Z Commission has that much power they owe it to the people to hear both sides of the discussion before they make up their minds. Dr. Foster stated that he hoped that the Council would listen to the residents tonight as they expressed their concerns regarding this zone change.

Dr. Foster stated that Mr. Fleming had stated earlier that since this zone change request fits within the Comprehensive Plan that the Council has no alternative but to approve the request. Dr. Foster stated that that is not true and if it were true there would be no need for the Public Hearing by the Planning & Zoning Commission and the City Council. Dr. Foster stated that he would like to emphasize that the residents do not object to Target coming to Lufkin, but think there are better locations within the City to build this complex. Dr. Foster stated that Target is a high volume store and will generate a lot of traffic and noise at all hours of the day and night. Dr. Foster stated that the Target store will be open until 10 p.m. each night, seven days a week. Dr. Foster stated that since the Lufkin Mall has been built there have been numerous burglaries in the neighborhood and one sexual assault. Dr. Foster stated that teenagers use the Mall parking lot at night for a parking place and will in all probability use the Target parking lot too.

Other area residents appearing in opposition of the request were:

Gary Alexander - 500 Card Drive - Who was concerned about preserving quality of life for the neighborhood. Mr. Alexander serves as the Chairman of the City's Electrical Board and donates his time to serve in this capacity. He was concerned that Target representatives did not answer questions about the site selection, and wanted to know if this particular site was the only site Target had looked at. He stated that as a taxpayer he wanted to be treated fairly and stated that the Zoning laws were in place to protect people. He stated that the property values will go down once the Target store is operational. He passed out pictures of the Target store in Humble showing trash and debris overflowing from a dumpster and trash littered at the back of the store. Mr. Alexander stated that he had recently remodeled his home on Card Drive at considerable expense and would not have done so if there had been any indication that the Target store was going to be built in his backyard. Mr. Alexander requested that Council vote against the zone change request.

Mr. Alexander stated that he wanted to ask three questions and did not necessarily want an answer. Mr. Alexander stated that he understood that the members of the Planning & Zoning Commission did not have any formal training, but that they were picked. Mr. Alexander stated that, in his opinion, the members of the P&Z Commission depend on the City Planner. Mr. Alexander stated that he had been told that when the City Planner decides he want to do something, most of the time the people on the P & Z board agree with him. Mr. Alexander stated that it was brought to his attention that the City Planner who is making these decisions that everyone has to live by. Mr. Alexander stated that the City Planner did not have to live by these decisions because he did not live in the City of Lufkin, he lives in Diboll. 2) Mr. Alexander stated that it was his understanding that the Target parking lot would accommodate 576 cars. Mr. Alexander stated that the City Planner stated in the P & Z meeting that there would be more cars if there were professional buildings on that property than if there was a retail store such as Target. Mr. Alexander stated that this statement was so ridiculous that it did not even making it into the P&Z minutes. 3) Mr. Alexander stated that at 9 a.m. last Monday he heard bulldozers in his back yard. He talked to the operator and was told that he was being paid by Target. Mr. Alexander stated that since the Council members were in Washington, D. C., he called the television station and they came out an

interviewed him. Shortly after, they interviewed the City Planner and he said that he had received a telephone call from one of the other neighbors about there being a bulldozer on the property. Mr. Alexander stated that when Mr. Abraham was interviewed on television he said that he had visited the sight and he saw no evidence that there had been a bulldozer out there. Mr. Alexander stated that he felt that Mr. Abraham owed the neighborhood an apology for saying something like that on television.

Charlie Neel of 506 Card Drive expressed concerns regarding increased traffic.

Paul Smith stated that he and his wife had recently purchased a home on Card Drive that they have moved into and are renting until their financing is finalized. Mr. Smith expressed concerns about the value of the house now that Target will be moving into the area. Mr. Smith stated that the original zoning for this area was for medical facilities and he urged Council members to vote against the request. Mrs. Smith expressed her fears for the safety of her three year old child. She stated that when the property is cleared there will be wild animals coming into the residential area. Mrs. Smith stated that she was also concerned that her child could be kidnapped, and that the traffic, which was already heavy, would increase. Mrs. Smith stated that an existing problem with traffic is at the Pine Tree Day Care Center on Tulane.

Danny Standley, 404 Card Drive, stated that he was concerned with drainage after the concrete is in place on the Target building site.

Spencer Knutson, a previous resident of Card Drive, stated that he had watched the development of the Mall and that Mall concepts changed. Mr. Knutson stated that he was concerned about the proposed 8' high wooden fence since he had watched the fence at the Mall deteriorate. Mr. Knutson expressed concern relating to the use of the small area of property that will be developed at a future date. Mr. Knutson stated that, in his opinion, there are prior rights to the property.

Mr. Fleming stated that as he has listened to the concerns of the neighbors he has anticipated what some of these concerns may be. Mr. Fleming asked Mr. Thompson to address drainage and the possible impact from the development of this property under its present zone. Mr. Fleming stated Mr. Tipton will follow with some traffic issues and traffic rebuttal.

Mr. Thompson stated that generally this site slopes from north to south and east. The drainage plan for this site is a surface drainage plan where the water will be picked up out along the first row of parking in an underground system that goes over and ties into the storm drainage system that is provided by the Highway Department. The drainage for the roof will be picked up and will drain at the back of the building along the back curb, or inlets, which will take all of the drainage underground. Mr. Thompson stated that this entire area was originally planned for in a drainage scheme by the Highway Department to be picked up by a large conduit which goes across and under the Loop.

Mr. Thompson stated the Comprehensive Plan as he understands it is that the present zoning calls for this area to be for medical space. The tract of land is 10.4 acres and is zoned Residential Large. Mr. Thompson stated that by the City's Zoning Ordinance the allowable area for medical buildings in this area is 228,400 SF of building. The maximum height of this building can be two stories, divided in half you will come up with 114,200 SF of building footprint. The Planning & Zoning requirement for medical require four cars per 1,000 SF of gross building area; the requirement then for parking will increase from 572 automobiles to 914 automobiles. Mr. Thompson stated that the zoning for medical facilities would not require any type of buffer and that there is no requirement to keep a building off of the rear property line. (Mr. Thompson stated that this is not a zoning requirement, but a building code requirement.) Mr. Thompson stated that there is no landscape requirements for the medical facility.

Mr. Tipton stated that the traffic calculation for the medical office scenario will be 2.2 times as much traffic as the proposed shopping center. Mr. Tipton stated that medical office is a very high traffic generator. Mr. Tipton stated that he would like to address the statement that a computer model had been used in estimating the traffic for Card Drive. Mr. Tipton stated that a computer model was not used; the model that was used was counting the citizens of Lufkin by having a person at the intersection of Card Drive and Tulane who can see that intersection and the Mall driveway intersection and can literally track the cars from both locations during that time period. Mr. Tipton stated that, in his opinion, the estimate of 16 additional cars at peak traffic time is actually on the high side. Mr. Tipton stated that it would certainly be nice for Tulane Drive to be widened, but analyzing the ground counts in January and the projected traffic from the project, adding those two forecasts together, still only utilizes about 50% of the actual roadway capacity on Tulane. Mr. Tipton stated that while it would be nice, it really is not mandatory.

Mr. Fleming stated that one of the residents asked the question, who will insure that Target does what they say they will do. Mr. Fleming stated that the City of Lufkin will through the enforcement of whatever conditions it places on this Zoning Ordinance should this Council decide to so pass it. Mr. Fleming stated that one of the things that the developer is requesting be included in the final ordinance as a protection for the neighborhood, and as additional protection from another "rogue" bulldozer is a provision that no final building permit will be issued until such time as the developer has constructed a construction fence that will protect the buffer zone. Mr. Fleming stated that that additional construction fence is estimated to cost approximately \$5,000, and will serve as a temporary fence and will serve until such time as a permanent fence can be constructed. Mr. Fleming stated that there is also a responsibility under the recommendation from the P&Z Commission for the developer of Target to be responsible for the maintenance of that buffer zone. Mr. Fleming stated that if this request is approved, he would ask because he has been approached by some of the adjacent property owners about the possibility of the Target developer deeding to each of the adjacent property owners that part of the buffer that abuts their property. Mr. Fleming stated that this is something that the developer has said he is willing to do. Mr. Fleming stated that if the Council wishes to give the developer that flexibility, he also needs to get out of the maintenance obligation once the initial undergrowth has been planted by the developer.

Mr. Fleming stated that this project contemplates the making of development concessions that total in economic dollars \$276,000. Mr. Fleming stated that the cost of the 80' buffer zone by the purchaser from the seller is \$150,000 - a \$150,000 investment as a concession and as a means to help accommodate the people on Card Drive. The 8' fence costs \$41,000. In addition, the exterior improvements by Target requested by Mr. Hill to cover the ground spouts, etc. is \$85,000. Mr. Fleming stated that this totals to \$276,000 in developmental concessions in order to make this aesthetically pleasing and compatible with the neighborhood. Mr. Fleming stated that it would seem that the issue of the fence could be better served if it was replaced with a masonry fence. The cost of the wooden fence is \$15 per foot; the cost of the masonry fence is \$75 per foot - the additional cost of the solid masonry fence along the north property line would be an additional \$108,000. Mr. Fleming stated that concessions that have been made to the neighbors have already put the project \$200,000 over the budget.

Mr. Fleming stated that there has been a suggestion that this will be "spot zoning". Mr. Fleming stated that when the City acts in accordance with its Comprehensive Plan it avoids "spot zoning". Mr. Fleming stated that Mr. Knutson made a compelling argument with his mention of "prior rights"; fortunately, from the standpoint of the community as a whole, he did not believe that the zoning laws encompass a theory of "prior rights".

Motion was made by Councilman Bob Bowman and seconded by Councilman Don

Boyd that Ordinance be approved on First Reading as presented. The following vote was recorded:

Aye: Councilmen Bowman, Gorden, Boyd, Simond, Weems and Mayor Bronaugh  
Nay: Councilman Kegler

Motion carried by a vote of 6 to 1.

Mr. Alexander stated that now that the request has been approved by the Council there are three specific areas that the residents would like addressed and they are: the fence, lighting, and the secondary greenery. Mr. Alexander also stated that one solution to the traffic on Card Drive is that the street become a deadend street. Mr. Alexander passed out brochures on concrete fences.

Mr. Tipton stated that there are a number of difference considerations for the traffic problem on Card Drive: 1) To make it a cul-de-sac, 2) To place "humps" in the street to slow down traffic and to discourage people from using the street as a thoroughfare, and 3) To narrow the end of the street for one car traffic.

Mr. Williams stated that he would like to set up a meeting for next week with Mr. Alexander. and any of the residents who would like to be present. and Councilman Bowman.

(Councilman Simond stated, under another item on the Agenda, that City Planner Abraham had taken some verbal abuse during this discussion, and, in his opinion, there should have been rebuttal to Mr. Alexander's statements. City Manager Maclin responded, in defense of Mr. Abraham, to the statements made by Mr. Alexander.)

(Please refer to the tape recording of this item for more indepth discussion.)

## **12. AMENDMENT - APPROVED - ORDINANCE - FIRST READING - SEWER FEES - GREASE TRAP ORDINANCE**

Mayor Bronaugh stated that the next item for consideration is an Amendment to the Ordinance for sewer fees to reflect a reduction in rates for businesses in compliance with the Grease Trap Ordinance.

City Manager Maclin stated that included in the Councilmember's packet is a copy of the existing Ordinance relating to sewer charges. City Manager Maclin stated that under Section 2.2.2.A of the Ordinance staff has a recommendation for revision for rates for commercial customers with approved grease traps. City Manager Maclin stated that one of the things that has been discussed in recent weeks is the fact that there has been excellent compliance from the restaurants in Lufkin in terms of installing the grease traps and getting in compliance with the Ordinance. City Manager Maclin stated that staff believes that as a result of that compliance the quality of the effluent and the reduction of grease into the City's sanitary sewer system is much better. City Manager Maclin stated that the restaurants that are abiding by the grease trap ordinance are having to have their grease traps pumped out on a regular basis, therefore, staff feels that it would be appropriate for Council to show a goodwill gesture to those entities that are in compliance with the grease trap ordinance by providing a 10% discount in their sewer rates. City Manager Maclin stated that staff recommendation is to amend the sewer portion of the rate schedule as noted under Section 2.2.2.A, which will reflect a 10% reduction in those different categories.

Motion was made by Councilman Larry Kegler and seconded by Councilman Tucker Weems that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**13. RESOLUTION - APPROVED - ENTERPRISE ZONE DEDESIGNATION - NOMINATION OF NEW AREA FOR ENTERPRISE ZONE DESIGNATION**

Mayor Bronaugh stated that the next item for consideration is a Resolution dedesignating the existing Enterprise Zone and nominating a new area for Enterprise Zone designation.

City Manager Maclin stated that the Resolution in the Councilmember's packet will basically accomplish two things: it will dedesignate the present Enterprise Zone and then nominate the new area as shown during the Public Hearing for the new Enterprise Zone designation. City Manager Maclin stated that the purpose of this is to provide assistance to Champion International and Texas Foundries, and will provide some incentives to make them more cost effective in their operations and therefore more competitive in the global market they compete in. City Manager Maclin stated that this is something that was a recommendation and one of the initiatives set forth by the State Empowerment Resource Team, something that will also be beneficial to the City for the next five years in that the new industrial park on FM Rd. 819 will be added.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that Resolution be approved as presented. The following vote was recorded:

Aye: Councilmen Boyd, Gorden, Weems, Simond, Bowman and Mayor Bronaugh  
Nay: Councilman Kegler

**14. CABLECOM RATES - APPROVED - FCC REGULATIONS**

Mayor Bronaugh stated that the next item for consideration and review is Cablecom's basic rates for compliance with FCC regulations.

City Manager Maclin stated that included in the Councilmember's packets is a memo from the Asst. City Manager of Finance and Administration basically outlined the options that are available.

Mr. Mayfield stated that Cablecom has submitted the basic rates for service that Council regulates. Mr. Mayfield stated that within the FCC required paperwork they have also included the rates for the services the FCC regulates. Mr. Mayfield stated that after reviewing the rates, staff has determined that the rates appear to be within the FCC benchmark rates and are reasonable. Mr. Mayfield stated that staff recommendation is acceptance of the rates as submitted.

Mr. Mayfield stated that the FCC has frozen current basic rates until May 15, 1994 and have asked the cable operators to make 7% in cuts, for a total cut of 17% in cable rates this year.

In response to question by Councilman Bowman, Mr. Mayfield stated that the 7% cut will take effect prior to May 15.

Motion was made by Councilman Larry Kegler and seconded by Councilman Bob Bowman to approve the Cablecom rates as recommended by staff. A unanimous affirmative vote was recorded.

**15. EMERGENCY REPAIRS - APPROVED - WATER WELL #6 - ALSAY, INC.**

Mayor Bronaugh stated that the next item for consideration is emergency repairs to Water Well #6.

City Manager Maclin stated that included in the Councilmember's packet is a letter from Asst. City Manager Ron Wesch and a letter from Mike Walker of Goodwin-Lasiter, Inc. City Manager Maclin stated that basically there was a pump failure at

Water Well #6 and staff is requesting from Council on an emergency basis is authorization to award a bid to Alsay, Inc. in the amount of \$7,850 to pull the shaft and pump bowls to try and determine what caused the pump failure. City Manager Maclin stated that once it has been determined what caused the pump failure staff will come back to Council with a recommendation for either a replacement of pump or repair of the pump, whichever is in the best financial interest of the City.

City Manager Maclin stated that looking at the two bids from Alsay and Layne-Texas, the Alsay bid is considerably cheaper and the reason is they are already in the area working on some other projects and do not have the cost for transportation and relocation. City Manager Maclin stated that staff recommendation is to award the bid of Alsay, Inc. in the amount of \$7,850.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler to accept the staff recommendation of the low bid of Alsay, Inc. in the amount of \$7,850. A unanimous affirmative vote was recorded.

16a. **BID - TABLED - PIPE AND MATERIAL - FM 58 PROJECT**

Mayor Bronaugh stated that the next item for consideration is bids for pipe and material for the FM 58 project.

City Manager Maclin stated that staff recommendation is to table this item until next Council meeting.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. to table this bid until next meeting of the Council. A unanimous affirmative vote was recorded.

16b. **BID - APPROVED - AUTOMATIC PUMP STATION - KIT McCONNICO LIFT STATION - PUMP & POWER EQUIPMENT COMPANY**

Mayor Bronaugh stated that the next item for consideration is bids for an automatic pump station at the Kit McConnico Lift Station.

City Manager Maclin stated that staff recommendation is the low bid of Pump & Power Equipment Company in the amount of \$40,793.

Motion was made by Councilman Larry Kegler and seconded by Councilman Bob Bowman that the bid of Pump & Power Equipment Company in the amount of \$40,793 be approved as submitted. A unanimous affirmative vote was recorded.

17. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 9:00 p. m. to enter into Executive Session. Regular Session reconvened at 9:31 p.m. and Mayor Bronaugh announced that Council had discussed legal matters and appointments to boards and commissions.

18. **ESTABLISHMENT OF CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS - PLUMBING BOARD APPOINTMENTS - BRUCE LUMBLEY/WESLEY SAXTON/MORTY HALYARD**

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler to establish a Construction Board of Adjustment & Appeals as described in the Standard Plumbing Code. A unanimous affirmative vote was recorded.

Motion was made by Councilman Larry Kegler and seconded by Councilman Bob Bowman to accept the staff recommendation that Bruce Lumbley, Wesley Saxton and Morty Halyard be appointed to the Plumbing Advisory Board. A unanimous affirmative vote was recorded.

19. COMMENTS

City Manager Maclin reminded Councilmembers of the DETCOG meeting Thursday in San Jacinto County at Cape Royale, and the DETDA meeting on Friday morning at 10:00 a.m. in Nacogdoches at the Fredonia Hotel.

20. There being no further business for consideration, meeting adjourned at 9:35 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary