

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF NOVEMBER, 1991 AT 5:00 P.M.

On the 19th day of November, 1991, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Paul Mayberry	Commissioner, Ward No. 6
C. G. Maclin	City Manager
Darryl Mayfield	Asst. City Mgr./Finance
Ron Wesch	Asst. City Mgr./Public Works
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Jack Gorden

Commissioner, Ward No. 5

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Gary Becton, Minister, Eastview Pentecostal Church.

2. Mayor Bronaugh welcomed visitors present and recognized Chris Handley, who is working on his Boy Scout Citizenship Badge, and members of Leadership Lufkin who had spent the day at City Hall.

3. APPROVAL OF MINUTES

Minutes of Regular Meeting of November 5, 1991 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RUNNELL WILLIAMS - 705 MAPLE STREET - APARTMENT TO NEIGHBORHOOD RETAIL - BEAUTY SHOP

Mayor Bronaugh stated that the first item for consideration was a request by Runell Williams for a change in zoning from Apartment to Neighborhood Retail on property commonly known as 705 Maple Street for the purpose of operating a beauty shop on site.

City Manager Maclin stated that a copy of the action taken by the Planning and Zoning Commission had been included in the Commissioner's packet recommending approval of this request with some modifications and basically a compromise in some areas. City Manager Maclin stated that the staff and Planning Commission feels comfortable with the compromise that has been presented and recommends approval.

Mrs. Williams stated that the Planning Commission had made the recommendation that she only have a one-chair shop and she wanted to have more than one chair. Mrs. Williams stated that she wanted to be able to grow in the business, and if she was allowed to do so, it would provide jobs for other people.

City Manager Maclin stated that at the current time Mrs. Williams is the only operator, and that she does not have adequate parking for more than one chair. City Manager Maclin stated that the Planning Commission explained to Mrs. Williams that if her business does grow and she wants to expand in the future she will need to come back to them and show that she has

been able to make preparation for additional parking spaces, and at that point they will approve another chair.

In response to question by Commissioner Bowman, City Manager Maclin stated that item #2 of the recommendations states that "Signage be limited to placement on the structure with a maximum area of six square feet." City Manager Maclin stated that a compromise effort allowed the owner to place the sign on the structure itself so that it would be visible from the street since there was not adequate space for placement of a freestanding sign and parking. City Manager Maclin stated that the Planning Commission was also trying not to deter from contiguous property that is residential in the nearby area.

Mrs. Williams stated that there is Commercial zoning on three sides of her property and only one side is zoned Residential. Mrs. Williams stated that her house is located in the same block as the apartments which are zoned Commercial, Land O' Pines Dairy is in front of her, and Futch Sign's storage yard is next to her house.

Mrs. Williams stated that once when she complained to the City regarding the sign storage yard she was informed that nothing could be done because she was living in a Commercial area.

In response to question by Commissioner Boyd, City Manager Maclin stated that parking is based on anticipated customers. City Manager Maclin stated that one chair means that Mrs. Williams could be working on one persons hair and another person could be under the dryer. City Manager Maclin stated that parking limitations is based on the number of operators. Commissioner Boyd stated that some people will not have vehicles and will be walking to the beauty shop.

In response to question by Commissioner Bowman as to whether the City Commission had the right to determine what an owner did inside their building, City Manager Maclin stated that if it has an impact on parking on the street, the answer is "Yes".

Mrs. Williams stated that she had to move her father in the house with her and her working hours would be centered around taking care of her father. Mrs. Williams stated that the Planning Commission was trying to tell her what hours she could and could not work. City Manager Maclin stated that this is typical of what the City has granted in previous areas where there is a business near a residential area, trying to limit the activity to 7 P.M. City Manager Maclin stated that at the request of Mrs. Williams, the Planning Commission had compromised and made it 9 P.M.

Commissioner Simond stated that he could understand about the parking restrictions but he could not understand about the sign. Commissioner Simond stated that residents are allowed to place political signs in their yards and he did not see the difference. City Manager Maclin stated that the intent of the Planning Commission as he understands it was to limit freestanding signs that would have a negative impact on the other residential homes in the area. Commissioner Simond stated that there are signs for the Land O' Pines dairy and the sign storage yard and Mrs. Williams is the only one on the street that doesn't have a sign.

City Planner Stephen Abraham referred the Commission to the colored map that was included in the packet. Mr. Abraham stated that it is true that a lot of the surrounding property has many different zoning classifications and that is why there are many types of signs in the area. Mr. Abraham stated that Mrs. Williams is located in an Apartment zoning district even though the majority of the uses in that particular zoning district are single family residential. Mr. Abraham stated that Mrs.

Williams had applied for Neighborhood Retail zoning on his direction. Mr. Abraham stated that a beauty shop probably would not be appropriate on every single tract in that zoning district but in this particular occasion, weighing all the factors, he did not feel that it would have a negative impact on the surrounding established single family residential uses if it could be limited in certain instances. Mr. Abraham stated that he had used the Home Occupation designation as a basis for these limitations, and that is really what Mrs. Williams is asking for.

Mr. Abraham stated that a further restriction is that the Comprehensive Plan says that her property should remain residential, and therefore, he did not feel it was appropriate to allow it to have the full range of operation standards as a Commercial District.

Commissioner Mayberry stated that out of 17 notifications sent out 14 did not respond. Mr. Abraham stated that State law does not address how many approvals are received, but it does state that if 20% of the surrounding property owners object by filing a written protest, then the request requires a 3/4's vote to pass. Mr. Abraham stated that the City of Lufkin has further stated that it will require a 4/5's vote to pass, which is more strict than State law.

In response to question by Commissioner Roper, Mr. Abraham stated that taking away a person's front yard and applying it to parking and a freestanding sign is what typically distinguishes residential property from commercial. Mr. Abraham stated that in a Home Occupation the person is not even allowed a sign on the wall.

Commissioner Mayberry stated that, in his opinion, Mrs. Williams should be allowed a two-chair beauty shop, and he does not have a problem with the parking situation.

City Attorney Flournoy stated that the Zoning Ordinance provides specifically that customary Home Occupations are to be incidental uses in a residence and not the primary use and it specifically requires that the employees be only those who actually reside there.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Percy Simond that the Planning & Zoning Commissions recommendations for the Zone Change as requested by Runell Williams for property commonly known as 705 Maple Street for the purpose of operating a beauty shop on the site be amended to allow her to install two chairs, to eliminate the provision on signage, and to eliminate the provision that no employees other than those residing on the premises be permitted.

Commissioner Roper stated that it appears that from looking at the P&Z minutes that this was a compromise that was worked out between the homeowner that wants a business and the Planning & Zoning's feelings of protection of the neighborhood. Commissioner Roper stated that in a compromise you usually find both parties that are not totally happy with the end result but one that both parties can work with. Commissioner Roper stated that the sign is the only amendment he would make to Planning & Zoning's recommendation and he did not necessarily agree with the additional chairs and other matters.

The following vote was recorded:

Aye: Commissioners Bowman, Boyd, Simond, and Mayberry
Nay: Commissioner Roper and Mayor Bronaugh

Motion carried by a vote of 4 to 2.

6. CONTRIBUTION FOR MATCHING FUNDS - APPROVED - ANGELINA COLLEGE - SMALL BUSINESS DEVELOPMENT CENTER

Mayor Bronaugh stated that the next item for consideration was a request from Angelina College for contribution for matching funds to support the Small Business Development Center.

City Manager Maclin stated that the reason that this item is on the agenda is that at the time that staff was working on the budget, the Small Business Development Center was in a transition period from the Chamber of Commerce possibly to Angelina College. City Manager Maclin stated that at the time this item was discussed that decision had not been finalized by the Angelina College Board, and consequently in the priority ranking by the Commissioners, the Small Business Development Center did not score high enough to be included in the budget. City Manager Maclin stated that the Small Business Development Center has now moved to the Angelina College.

Dr. Larry Phillips, President of Angelina College, stated that he was respectfully requesting that the City make the same allocation of \$7,500 they had made last year as part of the local match that the City, County and College (and others) will be required to raise for the Center.

Dr. Phillips stated that he does not see the City's contribution increasing in the future, but rather would anticipate a decrease as the College seeks to regionalize the services of the Small Business Development Center and secure proportionate fundings shares from other counties and cities.

In response to question by Commissioner Mayberry, Dr. Phillips stated that the total local match required to meet the \$48,000 in Federal funds is \$24,000.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that request from Angelina College for contribution for matching funds (\$7,500) to support the Small Business Development Center be approved as presented, and that these funds be taken from the Contingency Fund. A unanimous affirmative vote was recorded.

7. POLICY - APPROVED - CITY COMMISSION AGENDA DEADLINE

Mayor Bronaugh stated that the next item for consideration was policy regarding City Commission agenda deadline.

City Manager Maclin stated that a sample Resolution had been included in the packet that provides for a group or an individual to be placed on the City Commission agenda by bringing their request to the City Secretary by 5:00 P.M. on Wednesday preceding the Commission's regularly scheduled meetings on the first and third Tuesdays.

City Manager Maclin stated that staff has been trying to use this policy internally for several months. City Manager Maclin stated that this will give staff a deadline and adequate time to gather resource material to make copies for the Commissioner's packets.

In response to question by Commissioner Roper, City Manager Maclin stated that passage of this Resolution will not restrict an item from being placed on the agenda as an emergency item. Mayor Bronaugh stated that the City Attorney, in most instances, will determine if an item is indeed an emergency.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that Resolution establishing procedures for the regulation of presentation of items on the City Commission agenda be approved as presented.

8. AMENDMENT - APPROVED - STREET DEPARTMENT BUDGET - STORM SEWER PROJECT - PERSHING STREET

Mayor Bronaugh stated that the next item for consideration was to amend the Street Department budget to include funds for storm sewer project on Pershing Street.

City Manager Maclin stated that a letter from Ron Wesch, Assistant City Manager of Public Works, addressing this request has been placed in the Commissioner's packets. City Manager Maclin stated that basically the request is to authorize a budget amendment for the cost of materials, which is in compliance with the City's policy relating to placing storm sewer pipe in open ditches where the City provides the installation if the property owner will purchase the materials.

In response to question by Commissioner Mayberry, Mr. Wesch referred to the last paragraph of his letter where he states that this amount will be replaced in the contingency fund when the funds are received from Mr. Ken Smith and his company.

In response to question by Commissioner Boyd, Mr. Wesch stated that Mr. Smith will not pay any amount over \$7,000, but at this point in time he does not expect the amount of the pipe to exceed \$7,000.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that the Street Department budget be amended in the amount of \$7,000 for materials for a storm sewer project on Pershing Street. A unanimous affirmative vote was recorded.

9. POWER LINE EASEMENT - APPROVED - TU ELECTRIC - SEWER PLANT PROPERTY

Mayor Bronaugh stated that the next item for consideration was approval of power line easement from the City of Lufkin to T U Electric at the sewer plant property.

City Manager Maclin stated that a copy of an easement from T U Electric and a map that shows the proposed easement location, which would go from the northeast portion of the property extending down to service the firing range and facility that will be installed in the near future for the Narcotics office building, has been included in the packet. City Manager Maclin stated that the easement is needed to provide electrical service that is currently beyond the service that goes to the treatment plant.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that approval of power line easement to TU Electric at the sewer plant property be granted as requested. A unanimous affirmative vote was recorded.

10. BID - APPROVED - BACKHOE - EAST TEXAS MACHINERY

Mayor Bronaugh stated that the next item for consideration was bids on backhoe to be used in the Sewer Distribution Department.

City Manager Maclin stated that four bids were received and staff recommendation is to award the low bid of East Texas Machinery in the amount of \$51,927.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that bid of East Texas Machinery in the amount of \$51,927 be approved as submitted, and that the

difference in the budgeted amount of \$58,000 be placed in the Contingency Fund. A unanimous affirmative vote was recorded.

10b. BID - APPROVED - PIPE AND MATERIALS - TOM GANN SERVICE PROJECT/INTERNATIONAL SUPPLY - AL MEYER SERVICE PROJECT/GOLDEN TRIANGLE

Mayor Bronaugh stated that the next item for consideration was bids for pipe and materials for the Water Distribution Department.

City Manager Maclin stated that the materials are for two separate projects--one is the Al Meyer service project and the other is the Tom Gann service project. City Manager Maclin stated that the low bid for the Tom Gann service project is International Supply in the amount of \$9,665.78 and the low bid for the Al Meyer service project is Golden Triangle in the amount of \$20,547.78. Mayor Bronaugh stated that the material for these two projects was not budgeted.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that the bid of International Supply in the amount of \$9,665.78 and the bid of Golden Triangle in the amount of \$20,547.78 be accepted as submitted. A unanimous affirmative vote was recorded.

10c. BID - APPROVED - TELEPHONE SYSTEM - CIVIC CENTER

Mayor Bronaugh stated that next the item for consideration was bid for telephone system to be used at the Civic Center.

City Manager Maclin stated that staff recommendation is to award the low bid of LCTX in the amount of \$2,927. The budgeted amount is \$3,200.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry that bid of LCTX in the amount of \$2,927 be accepted as submitted. A unanimous affirmative vote was recorded.

11. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:50 P.M. to enter into Executive Session. Regular Session reconvened at 6:30 P.M. and Mayor Bronaugh stated that the dilapidated houses had been discussed. City Attorney Bob Flournoy recommended that house located at 1712 Paul Avenue be demolished.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that dilapidated house located at 1712 Paul Avenue be demolished in accordance with recommendation made by the City Attorney. A unanimous affirmative vote was recorded.

12. APPOINTMENT - APPROVED - PLUMBING APPEALS & ADVISORY BOARD - MARK STRONG - LETTER OF RESIGNATION/FLOYD MARSELLOS

Mayor Bronaugh stated that the City had received a letter of resignation from Floyd Marsellos who served on the Plumbing Appeals and Advisory Board. Mayor Bronaugh stated that Mr. Marsellos had recommended that Mark Strong, a licensed architect with the firm of Marsellos and Scott, be appointed to this position.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that Mark Strong be elected to the Plumbing Appeals and Advisory Board. A unanimous affirmative vote was recorded.

13. APPOINTMENT - APPROVED - COMMISSIONER DON BOYD - TAX APPRAISAL DISTRICT

Mayor Bronaugh stated that the next item for consideration was appointment to the Tax Appraisal District.

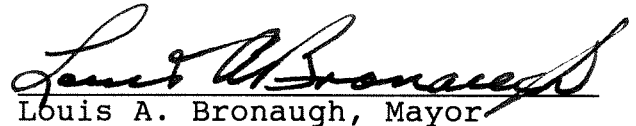
Motion was made by Commissioner Percy Simond and seconded by Commissioner Danny Roper that Commissioner Don Boyd be appointed as the City's representative to the Tax Appraisal District, to serve until May 19, 1993. A unanimous affirmative vote was recorded.

14. COMMENTS


City Manager Maclin stated that on Friday, November 29th at 5:15 P.M. there will be a Christmas tree lighting ceremony held at Kurth Memorial Library. City Manager Maclin stated that over 15,000' of lights have been installed on buildings throughout the downtown area and a trolley tour would be conducted after the ceremony. The City Commissioners were invited to ride in the first trolley tour.

Mayor Bronaugh stated that there will be a DETCOG meeting in Livingston next Wednesday to consider grant approvals.

15. There being no further business for consideration, meeting adjourned at 6:40 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary