

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF**  
**LUFKIN, TEXAS, HELD ON THE**  
**20TH DAY OF APRIL, 1999 AT 5:00 P. M.**

On the 20th day of April, 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
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Betty Jones	Councilmember, Ward No. 3
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
LaJune Yates	Asst. City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth Williams	Director of Public Works

being present, and

Bob Bowman	Councilmember, Ward No. 4
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Charles Roberts, Pastor, Denman Avenue Baptist Church.
2. Mayor Bronaugh welcomed visitors present.
3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that the minutes of the Regular Meeting of April 6, 1999 be approved as presented. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF LUFKIN TOURISM PROCLAMATION**

Mayor Bronaugh stated that the first item for consideration was the presentation of the Lufkin Tourism Proclamation. Mayor Bronaugh stated that Don Hannabas, the Director of Parks and Leisure Services Department, is also the Chairman of the Lufkin Tourism Council. Mayor Bronaugh commended Mr. Hannabas for his efforts in working with the Tourism Council.

Mr. Hannabas stated that the Parks and Recreation Advisory Board has seen the importance of tourism by including it as a goal in their Parks Master Plan and by participating with numerous groups and individuals during the recent Tourism Retreat that was held at the Red Barn. Mr. Hannabas stated that the Advisory Board had seen parks, gyms, baseball fields, and football fields host tournaments and play-off games that brought many participants to our City. Churches, area camps, lakes, rivers, seminars, conventions and family reunions also contribute to the visitors and the economy of the City. Mr. Hannabas stated that the Tourism Council continues to work to provide training for the individual faces that greet visitors, assist groups with their events, provide timely information about area attractions and through opportunities like this they provide information to citizens about the impact of tourism on the City.

Mr. Hannabas introduced Sheila Adams, the Manager of the Lufkin Visitors Convention Bureau, for a presentation to the Council. Ms. Adams presented a document showing the statistics for tourism in the City, and a "check" in the amount of \$65,000,000 to the Mayor, which is the estimated amount of travel and tourism dollars that came to Angelina County last year.

Mayor Bronaugh presented a proclamation to Ms. Adams proclaiming May 3, 1999 as Tourism Week in the City of Lufkin.

**5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL SMALL TO LOCAL BUSINESS - GARDEN ACRES SUBDIVISION - ATKINSON DRIVE BETWEEN PAUL AVENUE AND McHALE STREET - CHAMPION REALTY CORPORATION - PHILIP W. GOODWIN**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from Residential Small to Local Business on Lots 5 through 13 of the Garden Acres Subdivision and being located on the south side of Atkinson Drive (SH 103) between Paul Avenue and McHale Street as requested by Philip W. Goodwin on behalf of Champion Realty Corporation.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that Ordinance to change the zoning from Residential Small to Local Business on Lots 5 through 13 of the Garden Acres Subdivision and being located on the south side of Atkinson Drive (SH 103) between Paul Avenue and McHale Street as requested by Philip W. Goodwin on behalf of Champion Realty Corporation be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. ORDINANCE - APPROVED - SECOND READING - TRAFFIC REGULATIONS - TRUCK ROUTES**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending Chapter 71, Traffic Regulations, Code of Ordinances, City of Lufkin, Texas establishing truck routes within the City limits, and providing a penalty for violation of this Ordinance.

City Manager Maclin stated that on the Council table is an updated map that reflects the revisions Council requested on First Reading of the Ordinance. Mr. Maclin stated that this Ordinance came from the Engineering Department as a method for prolonging the life of the City's residential streets by providing designated truck routes throughout the City to protect to some extent the residential streets and improve the longevity and reduce the costs and expense to the City for maintenance of streets that were not initially designed or constructed to handle heavy-weighted 18-wheelers. Mr. Maclin stated that the map provides those designated routes of streets that are designed to handle a heavier weighted truck and with the implementation of this Ordinance the City will be able to see the Street Department dollars last longer and the quality of life in the residential neighborhoods will be improved by the reduction of the heavy traffic. Mr. Maclin stated that the Ordinance does have exceptions relating to deliveries and other situations that would give the truck a legitimate reason for being on that street in order to complete a delivery or some other related activity.

Linda Pouland stated that she was a homeowner on Harmony Hill Drive, a one street residential area between FM 58 and Highway 59 immediately south of the Loop. Ms. Pouland stated that it is her understanding that this is a Second Reading on the Ordinance, and unfortunately none of the homeowners on Harmony Hill knew that the First Reading had occurred at the last Council meeting, or they would have been present then. Ms. Pouland stated that two of the things that Mr. Maclin said about the proposed truck route are things that very much concern the residents on Harmony Hill. Ms. Pouland stated that as she understands it, the purpose for this truck routing is to improve the quality of life in residential areas and to at least

lower the incidence of truck traffic that is permitted through there. Ms. Pouland stated that this is exactly what they are concerned with in their residential area. Ms. Pouland stated that with recent changes in City zoning they have had more multi-residences and other kinds of dwellings around Harmony Hill. Ms. Pouland stated that the residents are literally surrounded with businesses and a growing number of businesses will be coming on the Loop coming back through the section that exists between Harmony Hill and the Loop, and going in a southwest direction at the cut-off at Tulane and Harmony Hill and Tulane and the Loop. Ms. Pouland stated that Harmony Hill residents are asking for a qualification or an exception to this routing of trucks in their area. Ms. Pouland stated that they believe that trucks have ample access from the Loop and Highway 59 around the Loop. Ms. Pouland stated that she would invite Council members to drive down Harmony Hill coming off of Highway 59 and coming from FM 58, a distance of one mile, which will become a logistical and safety nightmare for heavy trucks if they come down the street. Ms. Pouland stated that a lady was killed about six weeks ago turning right on Harmony Hill.

Ms. Pouland stated that there are not just older families who have homes on Harmony Hill Drive, but the Fudges, Atkinsons and Johnsons all have very little children who ride their bikes, their Big Wheelers, and who walk on Harmony Hill. Ms. Pouland stated that she and the Martins, the Hendersons, the Maries, the Atkinsons, the Fudges and the Wagnons have young or young adult children. Ms. Pouland stated that there will be children or young adults going up and down the long driveways on Harmony Hill into truck traffic and there are no sidewalks. Ms. Pouland stated that, in her opinion, there is ample access for trucks on other roadways that are already established for truck traffic, and for those reasons she respectfully asks that Council grant the residents of Harmony Hill an exception to the Ordinance. Ms. Pouland stated that she would provide Council with a petition of all the homeowners on Harmony Hill.

Mr. Wright stated that a Dr. who lived on Harmony Hill called him with a misconception of what the City was proposing. Mr. Wright stated that the City is not rerouting truck traffic through that area, but simply included automatically all State highways because the City has no jurisdiction over those highways limiting loading. Mr. Wright stated that the City is not saying that a truck has to travel this way but they are permitted to travel that way under State guidelines and the road design. Mr. Wright stated that the only thing he was trying to do was to keep trucks off of City streets that were not designed for the truck traffic, and he did not see any increase in truck traffic down Harmony Hill except near the Tulane intersection due to the development that is occurring at this time. Mr. Wright stated that the City is not re-routing trucks and is not forcing them in this area, and would expect that most truck traffic would be on Loop 287. Mr. Wright stated that the City does not have the authority to regulate truck traffic with loads on those streets that are established by State law.

Ms. Pouland stated that they understood that the City was not re-routing truck traffic on Harmony Hill but it was simply a situation where truck drivers could not be fined by the City if they traveled on that street. Ms. Pouland asked if the residents on Harmony Hill have to go to another governing body to seek an exception. City Manager Maclin stated that the City does not have legal jurisdiction over the State highways and Farm-to-Market Roads. Mr. Maclin stated that Cheryl Flood would be the logical contact at TxDOT. Mr. Flournoy stated that, in his opinion, the State would not allow the City to set the control over State highways just like they do not allow the City to set the speed limits on those streets. Mr. Maclin stated that the City would be happy to seek TxDOT's permission, but could not guarantee their answer.

Councilmember Boyd stated that at this time there is no restriction for trucks on Harmony Hill, and there are not that many trucks on the street now, so he did not see a problem. Mr. Wright stated that this Ordinance is mainly targeted to keep trucks from making shortcuts through residential areas and is trying to keep them

off of City residential streets.

Ms. Pouland stated that the residents were asking for any help the City can give them. Mr. Maclin stated that the City's responsibility would be to enforce the Ordinance if the State allows us that authority.

Councilmember Weems asked if the Ordinance could be tabled at this time.

Mr. Wright stated that it would be his recommendation to go ahead and pass the Ordinance with the exclusion of Harmony Hill Drive. Mr. Maclin stated that we could delete Harmony Hill Drive from the designated truck route map and then determine with the State whether or not we can legally enforce it after the fact. Ms. Pouland stated that this would be acceptable to her and the other residents who are present.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance amending Chapter 71, Traffic Regulations, Code of Ordinances, City of Lufkin, Texas establishing truck routes within the City limits (excluding Harmony Hill Drive), and providing a penalty for violation of this Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

In response to question by Ms. Pouland, Mr. Maclin stated that she will need to meet with Ms. Flood to assist the City in requesting that Harmony Hill be restricted from truck traffic. Mr. Maclin stated that Ms. Pouland will have more impact as a group of residents than the City will have. Mr. Maclin stated that the petition signed by all the Harmony Hill residents as evidence will speak louder of the neighborhoods desires to Cheryl Flood. Mr. Maclin stated that Ms. Pouland should let Ms. Flood know that the City has undesignated Harmony Hill Drive as a designated truck route for purposes of enforcement if the State would authorize the City to do so.

**7. ORDINANCE - APPROVED - FIRST READING - LOCAL BUSINESS - PLANNED UNIT DEVELOPMENT - US 59 AND DANIEL McCALL DRIVE - LEYENDECKER GROUP**

Mayor Bronaugh stated that the next item for consideration was a request of the Leyendecker Group to change the zoning from Local Business to a Planned Unit Development zoning district on approximately 7.19 acres of land located between U. S. 59 and Daniel McCall Drive.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department regarding this request. Mr. Maclin stated that as a Planned Unit Development District it has several regulations that includes the following:

**Uses:** Multiple-family dwellings with customary accessory and incidental uses.

**Density:** No more than 138 dwelling units.

**Building Height:** Fifty foot maximum.

**Setbacks:** No structure, except for fences, shall be closer than 25 feet from any street right-of-way. Main structures shall not be closer than 10 feet from side property lines. Accessory structures such as carports and enclosures for refuse collection containers shall not be closer than 5 feet from side property lines. Fences may be located on property lines.

**Landscaping:** Not less than 40% of the site shall be devoted to landscape development or outdoor recreation area. Not less than 150 tree credits shall be provided.

**Parking:** Not less than two vehicle parking spaces per dwelling unit.

Mr. Maclin stated that with those stipulations, the Planning & Zoning Commission by unanimous vote, recommends that the Planned Unit Development District be

approved.

Mr. Charles Leyendecker spoke on behalf of the request.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance to change the zoning from Local Business to a Planned Unit Development zoning district on approximately 7.19 acres of land located between U. S. 59 and Daniel McCall Drive as requested by the Leyendecker Group with the following regulations: (**Uses:** Multiple-family dwellings with customary accessory and incidental uses. **Density:** No more than 138 dwelling units. **Building Height:** Fifty foot maximum. **Setbacks:** No structure, except for fences, shall be closer than 25 feet from any street right-of-way. Main structures shall not be closer than 10 feet from side property lines. Accessory structures such as carports and enclosures for refuse collection containers shall not be closer than 5 feet from side property lines. Fences may be located on property lines. **Landscaping:** Not less than 40% of the site shall be devoted to landscape development or outdoor recreation area. Not less than 150 tree credits shall be provided. **Parking:** Not less than two vehicle parking spaces per dwelling unit.) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

#### 8. LIST OF CREDIT TREES - APPROVED - ZONING ORDINANCE

Mayor Bronaugh stated that the next item for consideration was approval of a list of credit trees as established by the Zoning Ordinance.

City Manager Maclin stated that included in the Council packet is a memo of explanation from the Director of Planning proposing the different varieties of trees for approval in the Landscape Ordinance. Mr. Maclin stated that this request is related to the City's new Landscape Ordinance and officially goes into effect in two weeks. Mr. Maclin stated that the purpose in including this tree list is to further define some aspects of the Ordinance and hopefully make sure that trees that are planned have a better than average chance of surviving in the East Texas climate. Mr. Maclin stated that staff may need to come back at a future date and amend the list to include some more trees, but this gives a good starting point.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that list of credit trees as established by the Zoning Ordinance be approved as submitted. A unanimous affirmative vote was recorded.

#### 9. INTERLOCAL AGREEMENT - APPROVED - DRAINAGE MASTER PLAN - CITY OF LUFKIN - ANGELINA COUNTY - ANGELINA-NECHES RIVER AUTHORITY - SHIRLEY CREEK - BILOXI CREEK - ONE-EYE CREEK

Mayor Bronaugh stated that the next item for consideration was entering into an interlocal agreement between the City, County and Angelina-Neches River Authority for drainage master plan study of Shirley Creek, Biloxi and One-Eye Creek.

City Manager Maclin stated that this is the last phase in the City's Master Drainage Study and relates back to the City's grant from the Texas Water Development Board. Mr. Maclin stated that the Hurricane and Cedar Creek areas have already been completed, and some of the recommendations have been implemented in the first water basin, and the second water basin will be considered further this summer. Mr. Maclin stated that this will complete the study for those areas east and northeast and just outside the City limits into the ETJ. Mr. Maclin stated that this is identical to the type of interlocal agreement that the City completed on the previous grant when funds were received from the Texas Water Development Board.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Jack Gorden, Jr. that interlocal agreement between the City, County and Angelina-Neches River Authority for drainage master plan study of Shirley Creek, Biloxi and

One-Eye Creek be approved as presented. A unanimous affirmative vote was recorded.

**10. FINANCIAL PARTICIPATION - APPROVED - ADMINISTRATIVE COSTS - REGION I - SENATE BILL 1 WATER STUDY**

Mayor Bronaugh stated that the next item for consideration was financial participation for administrative costs of the Region I, Senate Bill 1 water study.

City Manager Maclin stated that included in the Council packet is a letter from County Judge Joe Berry who has been designated as the agent of record for contacting all the entities in each of the counties in Region I. Mr. Maclin stated that Region I is the designated area of the water sheds from the Beaumont area north up to the Tyler area. Mr. Maclin stated that this is part of Senate Bill 1 whose goal is to develop a master plan for water for the State of Texas through the year 2050. Mr. Maclin stated that one of the responsibilities of each regional water planning group is to contribute matching funding for administration costs. Mr. Maclin stated that the other costs will be provided by the State of Texas for the study. Mr. Maclin stated that the State used a combination of population and water usage to determine the allocations. Mr. Maclin stated that the allocation for Angelina County is \$6,552, and of that amount, under their formula, we would pay \$1,937, which is 13%.

City Manager Maclin stated that since this is something that staff could not have anticipated in the budget process last summer, staff would seek Council authorization to use Utility Fund balance for the source of this \$1,937.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that financial participation for administrative costs of the Region I, Senate Bill 1 water study be approved as presented, and that the amount of \$1,937 as the City's administrative cost be taken from the Utility Fund balance. A unanimous affirmative vote was recorded.

**11a. BID - APPROVED - PICKUP TRUCK - FIRE DEPARTMENT - TIPTON FORD**

Mayor Bronaugh stated that the next item for consideration was bids for a pickup truck to be used in the Fire Department.

City Manager Maclin stated that included in the Council packet for this item is a bid tabulation, and staff recommendation is the low bid of Tipton Ford in the amount of \$14,291.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the low bid of Tipton Ford in the amount of \$14,291 for a pickup truck to be used in the Fire Department be approved as submitted. A unanimous affirmative vote was recorded.

**11b. BID - APPROVED - BREATHING APPARATUS - FIRE DEPARTMENT - CASCO INDUSTRIES**

Mayor Bronaugh stated that the next item for consideration was bids for breathing apparatus to be used in the Fire Department.

City Manager Maclin stated that the staff recommendation is the bid from Casco Industries in the amount of \$22,000.

In response to question by Councilmember Boyd, Chief Prewitt stated that Casco Industries is the only manufacturer inside the State, and no bids were received from any other manufacturer.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that the low bid of Casco Industries in the amount of

\$22,000 for breathing apparatus to be used in the Fire Department be approved as submitted. A unanimous affirmative vote was recorded.

11c. **BID - APPROVED - SHED - STREET DEPARTMENT - GARY BOLT CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for a shed to be used in the Street Department.

City Manager Maclin stated that this shed will be used to store base materials (dirt and asphalt) and other street repair and utility materials. Mr. Maclin stated that staff recommendation is the low bid of Gary Bolt Construction in the amount of \$20,646, and will be funded through the Water Utility Department and the Street Department.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Jack Gorden, Jr. that the low bid of Gary Bolt Construction in the amount of \$20,646 for a shed to be used in the Street Department be approved as submitted. A unanimous affirmative vote was recorded.

11d. **BID - APPROVED - LITTER CONTRACT - PARKS AND LEISURE SERVICES DEPARTMENT - GOODWILL INDUSTRIES OF CENTRAL EAST TEXAS**

Mayor Bronaugh stated that the next item for consideration was a litter contract for the Parks and Leisure Services Department.

City Manager Maclin stated that included in the Council packet is a quote from Goodwill Industries of Central East Texas. Mr. Maclin stated that the breakout on Morris Frank Park is \$140 per day for approximately 40 days, the removal for the other four parks is designated at \$1,632.40 per month, and the total amount of the proposed contract is \$12,129.60.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the bid of Goodwill Industries of Central East Texas, Inc. in the amount of \$12,129.60 be approved as submitted. A unanimous affirmative vote was recorded.

11e. **BID - APPROVED - WATER WELL #14 - LAYNE TEXAS**

Mayor Bronaugh stated that the next item for consideration was bids for repairs to Water Well #14.

City Manager Maclin stated that this was included in the budget for this year to add another water well to help keep up with the increasing demand that the City experienced in an accentuated manner last summer. Mr. Maclin stated that the staff recommendation is the low bid of Layne Texas in the amount of \$485,278. Mr. Maclin stated that the City Engineer contacted Layne Texas and got them to shorten the amount of time to get started on the job.

Mr. Wright stated that this well will be located on County Road 100-A just off the Angelina River bottom. Mr. Wright stated that the expected completion date for the well is August.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that bid of Layne Texas in the amount of \$485,278 for repairs to Water Well #14 be approved as submitted. A unanimous affirmative vote was recorded.

11f. **BID - APPROVED - LARGE ANIMAL CORRAL - ANIMAL CONTROL - KEITH CARRELL LOGGING**

Mayor Bronaugh stated that the next item for consideration was bids for a large

animal corral at the Animal Control Department.

City Manager Maclin stated that staff recommendation is the low bid of Keith Carrell Logging in the amount of \$16,832.96.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that bid of Keith Carrell Logging in the amount of \$16,832.96 be approved as submitted. A unanimous affirmative vote was recorded.

11g. BID - APPROVED - STAGE - CIVIC CENTER - SICO NORTH AMERICAN

Mayor Bronaugh stated that the next item for consideration was bids for a stage for the Civic Center.

City Manager Maclin stated that included in the Council packet is the bid tabulation for the one bidder Sico North American and their bid was in the amount of \$37,653.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that bid of Sico North American in the amount of \$37,653 for a stage for the Civic Center be approved as submitted. A unanimous affirmative vote was recorded.

12. COUNCIL MEETING DATE CHANGE - APPROVED - MAY 4

Mayor Bronaugh stated that the next item for consideration was changing the May 4th meeting of the Lufkin City Council from five o'clock to twelve noon.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Don Boyd that the City Council meeting of May 4th be changed from 5:00 p.m. until 12:00 noon. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:54 p.m. to enter into Executive Session. Mayor Bronaugh reconvened Regular Session at 6:07 p.m. and stated that Councilmembers had discussed appointments to the Examining & Supervising Board of Electricians.

14. APPOINTMENTS - APPROVED - EXAMINING & SUPERVISING BOARD OF ELECTRICIANS - CURTIS DUNN - JAMES MACHOVSKY - JERRY PAYNE

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that Curtis Dunn, James Machovsky and Jerry Payne be appointed to the Examining and Supervising Board of Electricians for a two year term. A unanimous affirmative vote was recorded.

15. COMMENTS

Councilmember Gorden stated that he had enjoyed working with Councilmember Weems during his tenure on the Council. Councilmember Weems stated that he had enjoyed serving with the City Council and working with members of the City Administration.

City Manager Maclin reminded Councilmembers of the ribbon cutting at the new Animal Control facility Wednesday at 10:00 a.m., and the DETCOG meeting in Center on Thursday. City Manager Maclin stated that the proposed dates for the Council retreat are May 19 or May 20. It was the consensus of opinion that the Retreat will be held on May 19 at Pine Island Lodge.

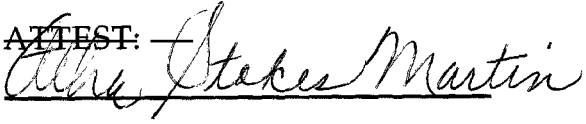


16. There being no further business for consideration, meeting adjourned at 6:12 p.m.



Louis A. Bronaugh  
Mayor

ATTEST:



Atha Stokes Martin - City Secretary