

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
1ST DAY OF JUNE, 1999 AT 5:00 P. M.

On the 1st day of June, 1999 the City Council of the City of Lufkin, Texas, convened in a regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Bob Bowman	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes Martin	City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth Williams	Director of Public Works

being present, and

Don Boyd	Councilmember, Ward No. 2
Jack Gorden, Jr.	Councilmember, Ward No. 5

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Robert L. Sessions, Pastor, Goodwill Missionary Baptist Church.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Betty Jones and seconded by Councilmember R. L. Kuykendall that the minutes of the Regular Meeting of May 18, 1999, be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - 1997 FIRE PREVENTION CODE - 1997 SWIMMING POOL CODE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of the 1997 Fire Prevention Code and the 1997 Swimming Pool Code.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Ordinance adopting the 1997 Fire Prevention Code and the 1997 Swimming Pool Code be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT (ANIMAL KENNEL) - COMMERCIAL ZONING DISTRICT - LOOP 287 AND LANE DRIVE - JOHN MADDOX**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to amend a Special Use Permit for an animal kennel within a "Commercial" zoning district on approximately 0.811 acres of land located at the southeast corner of Loop 287 and Lane Drive as requested by John Maddox.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that Ordinance to amend a Special Use Permit for an animal kennel within a "Commercial" zoning district on approximately 0.811 acres of land located at the southeast corner of Loop 287 and Lane Drive as requested by John Maddox be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - TABLED - SECOND READING - SPECIAL USE PERMIT (PARKING LOT) - RESIDENTIAL LARGE ZONING DISTRICT - 3600 AND 3700 OLD UNION ROAD - TRAVIS FULLER

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to grant a Special Use Permit for a parking lot within a Residential Large zoning district and located between 3600 and 3700 Old Union Road as requested by Travis Fuller.

Mayor Bronaugh stated that since two of the Councilmembers were absent he would ask that a motion be considered on tabling this item until the next meeting.

City Manager Maclin stated that at the first meeting Mr. Fuller received six affirmative votes, however, there are not six members present, and in fairness to Mr. Fuller there needs to be six Council members present to pass on Second and Final Reading.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Bob Bowman that Special Use Permit for a parking lot within a Residential Large zoning district and located between 3600 and 3700 Old Union Road with the following conditions: (1) The parking lot shall be utilized only for employee and customer vehicles and limited to the 2.29 acre portion of the tract as shown on the site plan. Storage and loading of salvage vehicles shall be prohibited. (2) The parking lot shall be enclosed by an eight foot tall sight bearing fence. (3) Lighting shall be prohibited and the existing 15 foot vegetative barrier located along the eastern property line shall remain, be tabled until the next Council meeting. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - J. C. SUTTLE SURVEY (ABSTRACT NO. 585) - ATKINSON DRIVE AND TEER STREET - TRAYLOR STREET - MEYDON P. LYMBERY

Mayor Bronaugh stated that the next item for consideration was an Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 4.49 acres of land described as Tracts 15 and 19 of the J. C. Suttle Survey (Abstract No. 585) and located on the west side of Loop 287, between Atkinson Drive and Teer Street, and east of Traylor Street as requested by Meydon P. Lymbery.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 4.49 acres of land described as Tracts 15 and 19 of the J. C. Suttle Survey (Abstract No. 585), and located on the west side of Loop 287, between Atkinson Drive and Teer Street, and east of Traylor Street be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. AMENDMENT - APPROVED - DOWNTOWN PARKING ORDINANCE

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Downtown Parking Ordinance.

City Manager Maclin stated that this item was tabled at the last meeting to provide adequate preparation of the Amendment. Mr. Maclin stated that a description of

the area along with an accurate map that would designate those reserved areas as requested by the County, as well as those areas that would be under the 90 minute parking area has been included in the Council packet.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that the Amendment to the Downtown Parking Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - TEXAS WATER DEVELOPMENT BOARD - FINANCIAL ASSISTANCE APPLICATION

Mayor Bronaugh stated that the next item for consideration was a Resolution requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for such financial assistance; and making certain findings in connection therewith.

City Manager Maclin stated that included in the Council packet is a Resolution for this purpose. Mr. Maclin stated that the City received approval on the pre-application for Texas Water Development Board funding to provide a low interest loan to finance our asbestos/cement pipe removal, which is basically 25% of the City's distribution system. Mr. Maclin stated that this Resolution is the first step in the application process towards the actual issuance of the bonds. Mr. Maclin stated that the Texas Water Development Board will be providing the funds to the City on a reimbursement basis. Mr. Maclin stated that these will be utility type bonds payable back to the Texas Water Development Board for the 20 year life of the bonds.

In response to question by Councilmember Robertson, Mr. Maclin stated that the Rayburn study is actually a budget amendment (agenda item 11) that will come out of the City's utility fund. Mr. Maclin stated that the City was not eligible for a study for Rayburn for the low interest loans.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Bob Bowman that Resolution requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for such financial assistance; and making certain findings in connection therewith be approved as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - DEEP EAST TEXAS NARCOTICS TRAFFICKING TASK FORCE

Mayor Bronaugh stated that the next item for consideration was a Resolution of support for the Deep East Texas Narcotics Trafficking Task Force.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from Chief Collins requesting that this item be placed on the agenda and a letter from Mike Kelley, Commander of the Deep East Texas Narcotics Task Force. Mr. Maclin stated that Council approved a Resolution for this purpose last November, however there was a paragraph stating that if there was a loss or misuse of criminal justice funds, the Council would assure that those funds would be returned to the Criminal Justice Department. Mr. Maclin stated that because the wording of the Resolution had been changed the City now had to update the Resolution to participate.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that the Resolution in support of the Deep East Texas Narcotics Trafficking Task Force be approved as presented. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - BUDGET AMENDMENT IV ADOPTION

Mayor Bronaugh stated that the next item for consideration was a Resolution to adopt Budget Amendment IV.

City Manager Maclin stated that included in the Council packet is a memorandum of detail relating to this item from the Asst. City Manager. Mr. Maclin stated that this Resolution will basically include budget adjustments for three items: (1) the addition of the arborist position and the associated costs along with a grant that was received to offset the cost for the first two year period (2) the engineering study for the surface water treatment to Rayburn, and (3) the budget amendment cost relating to the merge of the Burke Water System into the City's operations. Mr. Maclin stated that these are all items that the Council has voted on and approved in previous Council meetings, and this Resolution will provide the appropriate paper trail for audit purposes.

City Manager Maclin stated that at the time Mr. Hager prepared this memo we did not have the information in regard to raising the \$220,000 by \$15,000, making it a total of \$235,000 to include in that study some extra demographic work to be done in relationship to the Region I Committee for the water study that will go to the State Legislature in 2001. Mr. Maclin stated that staff had mentioned to Council previously that the data they had in their report to determine current and future water consumption by Lufkin and Angelina County was out of date and in error. Mr. Maclin stated that they were showing pumping levels for the year 2050 that the City was already getting close to in 1998. Mr. Maclin stated that they had some extremely outdated information that was based on 1990 census data and before. Mr. Maclin stated that in staff's opinion it is critical that the City contest those numbers and that data in order to make sure Lufkin and Angelina County has the appropriate numbers with the anticipated growth and available water supply to the year 2050. Mr. Maclin stated that in order to accomplish that, the City will need to amend the existing contract with the engineering firms to prepare this data in a manner in which the Texas Water Development Board will not only accept it but recognize it and change their numbers to reflect our data. Mr. Maclin stated that because of the extreme importance of the future of Lufkin and Angelina County for water, this is money that will be well spent to protect our water rights. Mr. Maclin stated that one of the things that has been a concern about these low, underestimated, extremely conservative numbers, is that it will then create the perception that East Texas, and specifically Angelina County with Sam Rayburn, has a lot of excess water that perhaps could then be transported to another region of the state. Mr. Maclin stated that it is extremely important that we have appropriate numbers to protect our interest and our potential growth through the year 2050, and that is why he feels there is justification for this demographic study to go along with the regional study.

Councilmember Bowman stated that he and Keith Wright were in a meeting earlier today in Nacogdoches where the Texas Water Development Board had an official from Austin talk about how you correct numbers. Mr. Bowman stated that it became very clear that the people in Austin would not make the changes on their own, and in his opinion, it behooves the City to see that those corrections are made.

In response to question by Mayor Bronaugh, Councilmember Bowman stated that an effort should be made to contact the other water users to participate in the cost.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that the Resolution to adopt Budget Amendment IV (\$220,000), to include the additional \$15,000 for the surface water study for Sam Rayburn (\$15,000), for a total Budget Amendment of \$235,000, be approved as presented. A unanimous affirmative vote was recorded.

12. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:25 p.m. to enter into Executive Session. Regular Session was reconvened at 5:58 p.m. and Mayor Bronaugh stated that Council had discussed attorney/client matters and real estate, and no decisions were made.

13. COMMENTS

City Manager Maclin reminded Council members of the First Friday luncheon, and of the Pineywoods Home Team annual meeting and luncheon on Tuesday, June 8 at 11:30 at the Civic Center.

Mr. Maclin stated that a called Council meeting to discuss the CIP Program has been scheduled for 11:30 a.m., Monday, June 21st.

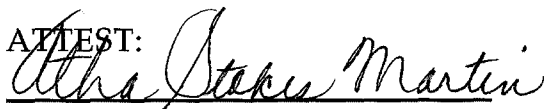
Mayor Bronaugh stated that there will be a dedication of a statute donated by the Rotary Club at Angelina College on Thursday, June 3.

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



Louis A. Bronaugh
Mayor

ATTEST:



Atha Stokes Martin - City Secretary