MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF AUGUST, 1992 AT 5:00 P.M.

On the 4th day of August, 1992 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
Don Boyd	Commissioner, Ward No. 2
Larry Kegler	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Tucker Weems	Commissioner, Ward No. 6

being present, and

Percy Simond	Commissioner, Ward No. 1

being absent when the following business was transacted.

1. Meeting was opened with prayer by City Attorney Bob Flournoy.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of July 21, 1992, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Larry Kegler. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - HOTEL/MOTEL TAX COLLECTION - CITY OF LUFKIN'S ETJ - TERRAL MOTEL**

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance for collection of Hotel/Motel Tax in the City's ETJ, and setting an effective date.

Mrs. JoAnn Jenkins, owner/manager of Terral's Motel, stated that she had furnished the Commissioners with copies of the 1991 hotel occupancy tax for her motel. Mrs. Jenkins stated that this information was in rebuttal of City Manager Maclin's statement at last meeting, and that Lufkin would realize $15,000 in taxes from her motel. Mrs. Jenkins stated that the figures on the information she had passed out reflects that it would be closer to $2,000 or $3,000. Mrs. Jenkins stated that, as she had pointed out previously, the majority of her tenants are weekly and monthly rentals that run over 30 consecutive days, and are not taxable.

Mrs. Jenkins stated that, in closing, she would like for the Commissioners to look at the figures, which were obtained from the State Comptroller's Office. Mrs. Jenkins stated that if City Manager Maclin had used the figures from the State Comptroller's Office in the comparison he made between Terral's motel and the motels downtown, he would have come up with a different picture. Mrs. Jenkins stated that the motels downtown, with the exception of one, are all motels with more than 40 rooms. Mrs. Jenkins stated that she wanted to remind the Commissioners that she does not, and can not, offer a pool, restaurant or club. Therefore, these figures reflect not only a working persons motel, but a budget-minded clientele traveling Highway 59 North or South, and not receiving Lufkin services or using Lufkin facilities that they would be paying for (if this tax is imposed on her motel).

City Manager Maclin stated that the State Comptroller's Quarterly Report shows that the gross taxable receipts for the first quarter of 1992 was $5,242.

Mayor Bronaugh stated that it was the recommendation of the Lufkin Board of Development to collect the hotel/motel tax in the City's ETJ.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Tucker Weems that Ordinance for collection of Hotel/Motel Tax in the City's ETJ (and setting an effective date) be approved on Second and Final Reading as presented.

The following vote was recorded:

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

Motion carried by a vote of 4 to 2.

5. **BUDGET AMENDMENT - APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION - STEP PROGRAM - INCREASE IN GRANT REVENUE**

Mayor Bronaugh stated that the next item for consideration was a Budget Amendment for an increase in grant revenue from the Texas Department of Transportation for the STEP Program (Occupant Protection Selective Traffic Safety Program).

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that Budget Amendment for an increase in grant revenue from the Texas Department of Transportation for the STEP Program be approved as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - SPECIAL USE PERMIT - LYNN GEORGE - STORAGE WAREHOUSES - LOCAL BUSINESS - 1015 E. DENMAN**

Mayor Bronaugh stated that the next item for consideration was request of Lynn George for approval of a Special Use Permit for Storage Warehouses within a Local Business zoning district located at 1015 E. Denman Avenue.

Mayor Bronaugh stated that the Planning & Zoning Commission had unanimously recommended this request to the City Commission for consideration.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE - DENIED - SPECIAL USE PERMIT - LARRY G. BYRD - COUNTY DETENTION FACILITY - CENTRAL BUSINESS ZONING DISTRICT - 116 N. FIRST STREET**

Mayor Bronaugh stated that the next item for consideration was request of Larry G. Byrd for a Special Use Permit for a County Detention Facility within a Central Business zoning district located at 116 N. First Street.

Mr. Byrd stated that he has a very serious proposition with the County, and has been meeting with Mr. Squyres of the Probation Department, Sheriff Lawrence and the County Judge. Mr. Byrd stated that at the present time the grant money available through the local probation department is being spent in Newton County, Texas, which is approximately $500,000 a year. Mr. Byrd stated that the people who are on probation in this County are being sent to Newton County, and in Newton County they are in a private jail much the same as Pri-Cor. These people are not receiving counselling or the rehabilitation that the Probation Department desires for them to receive. Mr. Byrd stated that the allowance of a Detention Center adjoining the present jail will ease the administrative duties for Sheriff Lawrence in supervising both facilities. Mr. Byrd stated that this is not a jail, but is a detention center. A condition of the probation is that a person detained will have a job, support their families, and pay their fines and their bills. Mr. Byrd stated that those people who get behind in payment of their fines or obligations with the Probation Department will be placed in the Detention Center, and will be counselled (drug, alcoholic, and job counseling). Mr. Byrd stated that part of this facility will have classrooms, offices for private counseling, and two 24-bed dorms.

Mr. Byrd stated that there are several other options available to the County, but that the County is interested in this option. Mr. Byrd stated that the other option is to go outside the City in remote facilities to build a new jail, and adjacent to the new jail, build a Detention Center.

Mr. Byrd stated that he is a property owner downtown and has owned this particular piece of property for 12 years. Mr. Byrd stated that he has leased the building to several different businesses, but none of them have been successful in the downtown area. Mr. Byrd stated that he has also run ads in the Houston Chronicle and the Dallas Morning News, attempting to secure tenants for the building. Mr. Byrd stated that the use of this building next door to the present jail facility will enable him to utilize this building, and to fix up the front of the building. Mr. Byrd stated that the representation made at the Planning & Zoning Commission were to replace the awning on the front of the building, and put the showcase windows back into good condition. Mr. Byrd stated that one member of the P&Z Commission was concerned about the entrance on First Street; he agreed to work with Sheriff Lawrence and put the entrance on the rear of the building. Mr. Byrd stated that in meeting with Sheriff Lawrence, he has requested that the Detention Center people not be required to come through his front door on Second Street. Mr. Byrd stated that Sheriff Lawrence would prefer that an outlet be made on Frank Avenue, and his recommendation would be to allow the entrance to this building to be next to the existing jail, which is in the center of the block on Frank Avenue, at the northeast corner of the building. Mr. Byrd stated that this was brought up at the P&Z Commission meeting, and at that time he agreed to go along with Sheriff Lawrence's wishes, and he has since learned that the Sheriff does not like taking the Detention Center people through the jail. Mr. Byrd stated that the people in the Detention Center will not be allowed to have a car in the downtown area, but will have to be picked up and dropped off.

Mr. Byrd stated that Mr. Abraham has opposed this request based on the Comprehensive Master Plan. Mr. Byrd stated that in reviewing the Comprehensive Master Plan he does not find anything in it for downtown Lufkin that restricts County government. Mr. Byrd stated that the presence of these people back in Angelina County, out of Newton County, will also provide contract services in the downtown area for attorneys and counselors.

Mr. Byrd stated that he is requesting that the City Commission approve this request based on the fact that it would be an improvement to the downtown area, it will bring income into downtown that is presently going to Newton County, and it will rehab the building. Mr. Byrd stated that it would not interfere with what is classified as "core-retail", for the reason that the basic core-retail is Lufkin Avenue, on South First from Perry Brothers southward.

Mr. Byrd stated that in regard to the statements made at the P&Z Commission meeting about merchants on First Street being concerned about people coming and going from this facility, he would like to point out that the Alcohol and Drug Abuse Council of Deep East Texas was located at First and Frank. Mr. Byrd stated that there will be very little risk from these people coming and going to the Detention Center.

City Manager Maclin stated for clarification from the P&Z standpoint, Mr. Byrd indicated that Sheriff Lawrence no longer desired Detention Center people go through the jail, and P&Z required that the Detention Center have access off of

Second Street. Mr. Byrd stated that P&Z requested a site plan, which he will provide, and the Detention Center will exit the rear of the building at the northeast corner, along the existing wall of the jail directly to Frank Avenue where there will no traffic on First Street.

City Manager Maclin stated that it might be necessary for the City Attorney to give his opinion regarding what P&Z voted on and what Mr. Byrd is saying, which may not coincide. City Manager Maclin stated that Mr. Byrd is asking for an amendment to what P&Z has already approved (the Second Street entrance). Mr. Byrd stated that whatever amendment process it takes, he is asking for an amendment to P&Z's recommendation.

Mayor Bronaugh stated that for clarification, the Alcohol and Drug Abuse Center is no longer meeting on the second floor of the Parks & Recreation Center.

In response to question by Commissioner Bowman, Mr. Byrd stated that he has been approached by Jeff Stevens of Houston to put an antique mall in the facility. Mr. Byrd stated that this will be a no-rent, no-income proposition for several months, and will not be a provable, viable source. Mr. Byrd stated that if the County rejects this proposal for any reason, he is considering going ahead with the antique mall project. Mr. Byrd stated that he is a businessman, and he needs to do something with this building from an economical and financial standpoint that would make it pay its own way.

In response to question by Commissioner Boyd, Mr. Byrd stated that he does not have a firm commitment from the County. Commissioner Boyd stated that it is his understanding that the County will not do anything on the Detention Center for at least a year. Mr. Byrd stated that the idea is if he gets this request approved, they will move in in 90 days.

Don Duran, President of Main Street Lufkin, stated that Main Street Lufkin agrees with City Planner Abraham in their opposition to this proposed use. Mr. Duran stated that Main Street Lufkin does not believe that this proposed use is compatible with the Comprehensive Master Plan adopted by the City several years ago. Mr. Duran stated that a letter from Main Street Lufkin was included in the Commissioner's packet expressing their opposition to this request. Mr. Duran requested that members of Main Street Lufkin stand and be recognized as a body (there were 19 people in attendance).

Mayor Bronaugh read the following excerpts from the Planning & Zoning Commission minutes: "Sheriff Lawrence stated that he is not here on behalf of the County, nor is he here to make any recommendation but he is here simply to answer questions in regard to a detention facility." "Sheriff Lawrence stated that he is not involved in the actual physical structure of the new detention facility." "Sheriff Lawrence stated that the County has not made up its mind regarding a location."

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that request of Larry G. Byrd for a Special Use Permit for a County Detention Facility within a Central Business zoning district located at 116 N. First Street be denied. A unanimous affirmative vote was recorded.

8. <u>ORDINANCE - APPROVED - FIRST READING - ADOPTION OF CITY OF LUFKIN SINGLE MEMBER DISTRICT WARD LINES - REDISTRICTING PLAN</u>

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance adopting City of Lufkin single member district ward lines in accordance with the Redistricting Plan.

City Manager Maclin stated that this Ordinance is required for submission to the Justice Department and reflects the new census data from 1990, also designates the new ward lines. City Manager Maclin stated that because the population of the City of Lufkin changed by more than 10%, we were required by law to go through a redistricting process. City Manager Maclin stated that this Ordinance is to be included with a packet of materials requested by Drs. Claunch and Hallman for submission to the Justice Department by September 1st.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. **RESOLUTION - APPROVED - POLLING PLACES ESTABLISHED - REDISTRICTING PLAN**

Mayor Bronaugh stated that the next item for consideration was a Resolution establishing polling places for City wards revised by the Redistricting Plan.

City Manager Maclin stated that the proposed voting places for the three wards effected by the redistricting are: Ward 3 - Herty School, Ward 4 - Slack School and Ward 5 - Trout School.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Tucker Weems that Resolution be tabled until next meeting (August 18). A unanimous affirmative vote was recorded.

10. **DINAMATION EXHIBIT - ELLEN TROUT ZOO - FRIENDS OF THE ZOO**

Mayor Bronaugh stated that the next item for consideration was a Dinamation Exhibit at the Ellen Trout Zoo sponsored by Friends of the Zoo.

Corie Camp, President of Friends of Ellen Trout Zoo, passed out a letter to the Commissioners requesting support from the Commission in bringing the Dinamation Exhibit of robotic dinosaurs to Lufkin to benefit the Ellen Trout Zoo. Ms. Camp stated that Friends of the Zoo have secured funding for the exhibit from the TLL Temple Foundation through a non-interest loan. Ms. Camp stated that it will be necessary to charge a fee for the exhibit to pay back the loan. Proposed fees are $3.00 per adult and $2.00 for children, which will be charged in additon to the general admission fee making the cost of an adult ticket $5.00 and a child's ticket $3.00. Ms. Camp stated that the tentative schedule for the exhibit is from April 1 through July 5, 1993. Ms. Camp stated that this is a first-class exhibit, and has been on display throughout the United States and other countries.

Gordon Henley, Director of the Zoo, stated that it has been discussed to have the exhibit set up in two potential ways, and at this time have not measured each site. One would be to localize the creatures in one area that is grown over with woods and vegetation where the admission fee for the exhibit would be directly for that specific area, and the other is to place the creatures throughout the Zoo in different places, where the admission fee would cover all the visitors who came to the Zoo. Mr. Henley stated that while they had discussed having some free time during the general admission, it was decided that if they had to adopt an admission fee for all visitors at that time, they would request not to have a free time during that three month interval. Mr. Henley stated that the TLL Temple Foundation loan is for $90,000, and the profits generated from the exhibit beyond the repayment of the loan would go to benefit the Zoo.

Mr. Henley stated that he is requesting authorization from the City Commission to proceed with the finalizing of this exhibit, and then return for approval of the fee structure and how the creatures can be displayed.

In response to question by Commissioner Bowman, Ms. Camp stated that if there is not enough money to pay back the loan, the remainder will be written off.

In response to question by Commissioner Weems, Ms. Camp stated that they are anticipating that 100,000 people will visit the exhibit over the three month period it is on display.

Ms. Camp stated that the Dinamation Company will provide a publicity package for promotion of the exhibit.

Mr. Henley stated that there are three things that the exhibit will accomplish: (1) It will be a very educational display at a time when there is a great interest in dinosaurs (2) It will be an economic benefit to the community because the market area is within a 100 mile radius of Lufkin and, (3) It will gain some revenue to make some improvements to the Zoo.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman for approval of the Dinamation Exhibit at the Ellen Trout Zoo, tentatively scheduled for April 1 through July 5, 1992, and sponsored by the Friends of the Zoo. A unanimous affirmative vote was recorded.

11. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 6:03 p.m. to enter into Executive Session. Regular session was reconvened at 6:30 p.m. Mayor Bronaugh stated that the Commission had discussed real estate, litigation and appointments to the DETCOG Board of Directors.

12. **DETCOG BOARD OF DIRECTORS APPOINTMENT - APPROVED - MAYOR LOUIS BRONAUGH - COMMISSIONER PERCY SIMOND - COMMISSIONER DON BOYD - COMMISSIONER TUCKER WEEMS**

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Larry Kegler that Mayor Louis Bronaugh and Commissioners Percy Simond, Don Boyd and Tucker Weems be appointed to the DETCOG Board of Directors. A unanimous affirmative vote was recorded.

13. **COMMENTS**

In response to question by Commissioner Don Boyd regarding the Municipal Court Report, Chief Collins stated that the good report for the month of July was due to tickets issued for seat belt enforcement. Chief Collins stated that 60-70% of the tickets issued over the 4th of July weekend were for seat belt violations.

City Manager Maclin reminded members of the Commission of the Called City Commission meeting for Wednesday, August 12th, at 5:00 p.m., for presentation of the proposed budget for fiscal year 1992-'93.

14. There being no further business for consideration, meeting adjourned at 6:35 p.m.

Louis A. Bronaugh

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary