MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF SEPTEMBER 1998 AT 5:00 P. M.

On the 1st day of September, 1998 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
Bob Bowman	Councilmember, Ward No. 4
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth Williams	Director of Public Works

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bob Klund, Pastor, Believer's Bible Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Don Boyd and seconded by Mayor pro tem Jack Gorden, Jr. that the minutes of the Regular Meeting of August 18, 1998 be approved as presented. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION REQUEST - N. JOHN REDDITT DRIVE (LOOP 287) - HIGHWAY 69 - DEAN LEGGETT/TEXAS SURVEYING ASSOCIATES - WAYNE COOK - ROYCE WILLIAMS

Mayor Bronaugh opened Public Hearing to consider the request of Dean Leggett of Texas Surveying Associates on behalf of Wayne Cook and Royce Williams to annex approximately 8.643 acres of land generally located southwest of the intersection of N. John Redditt Drive (Loop 287) and Highway 69.

C. G. Maclin, City Manager, gave the staff report. The mayor opened the floor for comments. There being no comments from the public, the Mayor closed the floor. Mayor Bronaugh closed Public Hearing.

5. APPROPRIATIONS ORDINANCE - APPROVED - SECOND READING

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Appropriations Ordinance.

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

6. <u>TAX LEVYING ORDINANCE - APPROVED - SECOND READING</u>

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Tax Levying Ordinance.

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

7. <u>ORDINANCE - APPROVED - SECOND READING - RESIDENTIAL AND COMMERCIAL WATER RATES REVISED</u>

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance revising the residential and commercial water rates.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the Ordinance revising the residential and commercial water rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. <u>ORDINANCE - APPROVED - SECOND READING - SEWER RATES REVISED</u>

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance revising the sewer rates.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that Ordinance to revise the sewer rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. <u>ORDINANCE - APPROVED - SECOND READING - SOLID WASTE RATES REVISED</u>

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance revising the solid waste rates.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that Ordinance revising the solid waste rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

10. <u>AMENDMENT - APPROVED - FUTURE LAND USE MAP - COMPREHENSIVE PLAN - WHITE HOUSE DRIVE - BRENTWOOD AND TULANE DRIVE</u>

Mayor Bronaugh stated that the next item for consideration was to review and consider amending the Future Land Use Map of the Comprehensive Plan on property lcoated on the south side of White House Drive between Brentwood and Tulane Drive.

Mr. Maclin gave the staff report and asked Stephen Abraham to give a summary of the discussion from the Planning & Zoning Commission.

Stephen Abraham, Director of Planning, stated that there have been several changes in the area since the adoption of the Plan in 1987. He stated the construction of Wal-Mart, Made In the Shade and the Ice Cream Shop and the zoning placed on the area annexed last year all have an impact on the future development of the area. He said this amendment is being considered because there is a zone change request for property at this location and this amendment should be considered prior to considering the zone change. He said the Planning & Zoning Commission recommended the amendment to the Comprehensive Plan should only include the area already shown as "LB" Local Business and extend four lots to the east.

The Mayor asked the location of Tulane Drive as mentioned in the staff report. Mr.

Abraham stated that Tulane Drive is located at the southern end of David Street extending south of Whitehouse Drive as shown on attachment #3. Mr. Maclin stated the area being considered ends near Rosedale.

The Mayor opened the floor for comments.

Bobby Mott, Deacon, Promise Land Baptist Church, said he is in favor of the recommendation by the Planning & Zoning Commission. Mr. Mott introduced some members of the church. He said the church was built in 1995 and the church committee looked at the Plan at the time and felt that this area was protected from commercial use being in the area. He said the concern of the church is that if the area becomes commercial, there is the potential for a restaurant with a private club in close proximity to the church. Mayor pro tem Gorden asked Mr. Mott if he supported the recommendation. Mr. Mott stated they support the recommendation as long as it does not go any further east than was recommended by the Planning & Zoning Commission. Councilmemeber Betty Jones asked the location of the church. Mr. Mott showed Councilmember Jones the location.

Woody Gann, 301 Whitehouse Drive, said he supports the recommendation made by the Planning & Zoning Commission.

Leonard Avery, 128 Whitehouse Drive, said he owns some of the property being considered. He said he has lived in the area for forty years and feels that since Wal-Mart was built the area has changed to a less favorable are for residential.

Guilalnd Riccio, 202 Whitehouse Drive, said his house is just east of the area being considered and he is opposed to any change in the Comprehensive Plan.

Gary Letney, 120 Whitehouse Drive, said Whitehouse Drive used to be a dirt road with essentially no traffic. Mr. Letney said there have been inquires about purchasing his and Mr. Avery's property and the fact that his house is located at the end of Wal-Mart's back driveway, he realized then that this area would be commercial. He said that with the construction of Wal-Mart, he has not done any major construction on his house because he knew this area would become commercial in the not too distant future. Mr. Letney said that traffic counts will double in the near future once Tulane Drive is developed.

The Mayor closed the floor for comments.

Mayor pro tem Jack Gorden, Jr. stated the mere increase in traffic does not make an area commercial, however, he is in favor of the recommendation.

Mayor pro tem Jack Gorden, Jr. made a motion to amend the Future Land Use Map of the Comprehensive Plan as recommended by the Planning & Zoning Commission. The motion was seconded by Councilmember Bob Bowman with a unanimous affirmative vote being recorded.

11. **AMENDMENT - FUTURE LAND USE MAP - COMPREHENSIVE PLAN - ARENA STREET - ATKINSON DRIVE -PAUL DRIVE**

Mr. Maclin gave the staff report and asked Mr. Abraham to give a summary of the discussion at the Planning & Zoning Commission.

Mr. Abraham stated staff presented three options to the Planning & Zoning Commission for their consideration. He stated the Planning & Zoning Commission recommends the second option which includes all property on the west side of Arena Street.

Councilmember Don Boyd, asked if all of the property on the west side of Arena Street, between Paul Avenue and Atkinson Drive, could be considered for commercial in the future. Mr. Abraham stated that some form of non-residential would be permitted, however, the appropriate designation would have to be considered when a zone change application is filed. Councilmember Boyd asked the percentage of rental versus owner occupied housing. Mr. Abraham said staff did not evaluate this, however, a resident at the Planning & Zoning Commission stated the majority of the housing is owner occupied. Councilmember Boyd asked if the residents would be allowed to stay if the Plan is changed to designate the area for non-residential. Mr. Abraham stated the change only affects the possible uses and not the existing zoning. Councilmember Boyd said that we are taking all of the property from the middle and lower income neighborhoods and transitioning them to non-residential areas. Mayor Bronaugh stated that with the continuing commercial development of the city, some residential areas will have to transition to commercial. Councilmember Boyd said this is not necessarily true, what about areas like Brookhollow or Crown Colony.

Nila Boddie, owner 104-106 Arena Street, said she would like to stay residential to keep the taxes down unless there is a proposal for commercial development. Ms. Boddie said she owns property on both sides of Arena Street and opposes changing just one side of Arena Street for non-residential.

Ronny Dupree, said there were other people at the Planning & Zoning Commission in favor to the request and that nobody would have to move if the request is approved. He said he has no intention of ruining this neighborhood.

There being no further comments, the Mayor closed the floor for comments.

Mayor pro tem Jack Gorden, Jr. asked if any of the property owners at the Planning & Zoning Commission favored option 3. Mr. Abraham stated that there were none of which he was aware. Mr. Robertson of the Planning & Zoning Commission made a motion to accept option 3, however the motion did not pass.

Councilmember Don Boyd made a motion to not extend the area designated for non-residential to Arena Street. The motion was seconded by Councilmember R. L. Kuykendall with a 2-5 vote being recorded, therefore the motion failed.

Councilmember Bob Bowman made a motion to extend the area designated for non-residential to Arena Street as recommended by the Planning & Zoning Commission. The motion was seconded by Councilmember Betty Jones with a 5-2 vote being recorded. Councilmembers Don Boyd and R. L. Kuykendall voted in opposition to the motion.

12. RONNY DUPREE - MARTHA WINDSOR-VANSAU ZONE CHANGE - "RM" RESIDENTIAL MEDIUM SINGLE FAMILY - "LB" LOCAL BUSINESS - LOTS 1 AND 2, BLOCK 2 - EASTWOOD ADDITION AND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ANDREWS AVENUE AND ARENA STREET

Mr. Maclin presented the staff report.

The Mayor opened the floor for comments. There being no comments the Mayor closed the floor.

Couniclmember Bob Bowman made a motion to approved the zone change from "RM" Residential Medium Single Family to "LB" Local Business at the southwest corner of the intersection of Andrews Avenue and Arena Street. The motion was seconded by Councilmember Tucker Weems with a 5-2 vote being recorded. Councilmembers Don Boyd and R. L. Kuykendall voted in opposition to the motion.

13. AMENDMENT - APPROVED - FIRST READING - ORDINANCE - REGULATING - SCHOOL CROSSING TIMES AND SPEEDS

City Manager, C. G. Maclin gave the staff report for this item recommending updating the speed and times of School Crossings. Chief Collins provided an overview and answers to the specific questions from the City Councilmembers. Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman to amend the existing Ordinance. A unanimous affirmative vote was recorded.

14. RESOLUTION - TEXAS DEPARTMENT OF TRANSPORTATION - STATE HIGHWAY SYSTEM - RIGHT-OF-WAY -STATE HIGHWAY 94 - ELLIS AVENUE - APPROVED

City Manager, C. G. Maclin provided staff report regarding this item. He stated this is a routine procedure to allow sale of property which is not utilized as part of the Highway System. The City has no utilities located in this area. Motion was made by Councilmember Don Boyd and seconded by Mayor pro tem Jack Gorden, Jr. A unanimous vote was recorded.

15. BURKE WATER SERVICE AREA - WATER RATES - APPROVED

City Manager, C. G. Maclin provided a staff report and review of the previously discussed item that was approved. Mr. Maclin noted the requirement of the TNRCC to establish rates in order to acquire and begin operation of the system. Motion was made by Councilmember Don Boyd and seconded by Mayor pro tem Jack Gorden, Jr. A unanimous affirmative vote was recorded.

16. APPROVED - NAME - NEW ANIMAL CONTROL FACILITY

City Manager, C. G. Maclin referred Council to the letter from the Animal Control Committee recommending the new facility be named in honor of the Kurth Family. Recommendation was made that the new facility be named the Kurth Memorial Animal Shelter. Motion was made by Bob Bowman and seconded by Councilmember Don Boyd. A unanimous affirmative vote was recorded.

17. EMPLOYEE COMPUTER PURCHASE - TABLED - DESIGNATED FUND BALANCE

Assistant City Manger, James Hager provided staff report and explanation of the previously discussed item. City Council had questions regarding the program.The Specific questions were: collateral, maximum dollars to be spent and how to deal with termination of employment before the full payment had been made. Council wanted to determine the definitive interest of employees in this program. Mayor pro tem Jack Gorden, Jr. requested a review of the program to allow for inclusions of the items of which City Council had voiced concerns. Councilmember Tucker Weems made a motion to table the item and Betty Jones seconded the motion. Item was tabled to allow staff time to address concerns noted by City Council and provide additional information. The item will be brought back to council for further review at a future City Council Meeting.

18. BID - APPROVED - TRACTOR - ELLEN TROUT ZOO - PINEYWOOD TRACTOR & IMPLEMENT

City Manager, C. G. Maclin provided the staff recommendation to award the low bid to Pineywoods Tractor and Implement in the amount of $15,225.00. Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems. A unanimous affirmative vote was recorded.

19. BID - APPROVED - RELOCATION - Z&00 RAILROAD - ALLEN LOGGINS & SONS - LIONS CLUB

City Manager, C. G. Maclin provided staff recommendation to award low bid to Allen Loggins & Sons in the amount of $116, 368.35. Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman. A unanimous affirmative vote was recorded.

20. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session at 6:25 p.m. and and entered Executive Sessions. Mayor Bronaugh stated that council had discussed Attorney client matters and no decisions were made.

21. There being no further business for consideration, meeting adjourned at 7:08 p.m.

Louis A. Bronaugh
Mayor

ATTEST:

Atha Stokes - City Secretary