

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
LUFKIN, TEXAS, HELD ON THE  
15<sup>TH</sup> OF APRIL 2003**

On the 15<sup>TH</sup> day of April 2003 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
Lynn Torres	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Rose Faine Boyd	Councilmember, Ward No. 2
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Atha Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
David Koonce	Director of Human Resources
Stephen Abraham	Director of Planning

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Tom Anglin, Pastor, Victory Assembly of God Church.
2. Mayor Bronaugh welcomed visitors present. Mayor pro tem Torres welcomed Lufkin High School students who were satisfying their requirement for government class.
3. **PRESENTATION OF CERTIFICATE TO MAYOR AND COUNCILMEMBERS – WOMEN’S SHELTER OF EAST TEXAS**

Glenda Phillips, Sexual Assault Program Co-Coordinator for the Women’s Shelter of East Texas, stated that she was present to present the City with a Certificate of Appreciation for continued support of the Sexual Assault Crisis Program. Ms. Phillips stated that she would also like to thank the Lufkin Police Department for their support and willingness to work with the Shelter.

4. **PRESENTATION OF TREE CITY USA FLAG AND GROWTH AWARD – TEXAS FOREST SERVICE**

Chris Brown of the Texas Forest Service presented a Tree City USA flag to Mayor Bronaugh. Mr. Brown stated that this is the 13<sup>th</sup> year that the City of Lufkin has received this designation. Mr. Brown also presented the Growth Award to the City for the fourth consecutive year.

5. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of April 1, 2003 were approved on a motion by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. A unanimous affirmative vote was recorded.

**6. ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – APARTMENT TO SMALL SINGLE-FAMILY DWELLING – 504 HOMER STREET – 503 CHARLTON – EDDIE SMELLY – CHANGES TO FUTURE LAND USE PLAN**

Mayor Bronaugh stated that the next item for consideration was Ordinance to change the zoning from “Apartment” to a “Small Single-Family Dwelling” district on property described as Lots 3 and 4, Block 33 of the W. C. Denman Addition and more commonly known as 504 Homer Street and 503 Charlton Street and make any changes to the Future Land Use Plan deemed appropriate as requested by Eddie Smelley.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from “Apartment” to a “Small Single-Family Dwelling” district on property described as Lots 3 and 4, Block 33 of the W. C. Denman Addition and more commonly known as 504 Homer Street and 503 Charlton Street, and make any changes to the Future Land Use Plan deemed appropriate on Second and Final Reading. A unanimous affirmative vote was recorded.

**7. REPORT AND LEGISLATIVE UPDATE FROM WALTER DIGGLES OF DETCOG**

Mayor Bronaugh stated that the next item for consideration was a report and legislative update from Walter Diggles of DETCOG.

Walter Diggles, Executive Director of DETCOG, introduced Van Bush, Director of the 9-1-1 Program and Rusty Phillips, Asst. Executive Director. Mr. Phillips passed out a copy of DETCOG’s web page, which Mr. Diggles would be reviewing. Mr. Diggles stated that their mission statement was “By combining the resources of local government, the Deep East Texas Council of Governments provides a window of opportunity for helping citizens improve their quality of life”, which is what DETCOG is all about.

Mr. Diggles stated in 1967 Congressman Charles Wilson wrote legislation that created the Deep East Texas Council of Governments, one of the very few COG’s that were formed in the State at that time. Mr. Diggles stated that currently there are 24 Council of Governments in the State of Texas. Mr. Diggles stated that the DETCOG is a very rural COG and for that reason in many cases provides more services than most of the other COG as far as number of services because of the area they serve. Mr. Diggles stated that there are approximately 9,000 square miles, 35 cities and 12 counties that are served by the DETCOG. Mr. Diggles stated that there are four river authorities, 40 school districts, four hospital districts, six water conservation districts, and 49 sustaining members represented in the DETCOG.

Mr. Diggles stated that the Children’s Health Insurance Program (CHIPS) has been a unique program for the DETCOG over the past two years.

Mr. Diggles stated that the COG has 12 counties and every month of the year the monthly board meeting is held in one of those 12 counties. Mr. Diggles stated that the annual membership meeting would be held in May at the Civic Center in Lufkin. Mr. Diggles stated that this would be the 33<sup>rd</sup> annual membership meeting. Mr. Diggles stated that this year a new workshop featuring purchasing, which will be beneficial to local government members who are interested in doing corporate purchasing, will be held at the annual meeting.

Mr. Diggles stated that some of the major programs that they provide are the Affordable Housing Program, Community Planning, the 211 Program for senior citizens, Criminal Justice, and the Agency on Aging. Mr. Diggles stated that they also provide youth programs where kids can go to summer camp, and this is the third year for this program. Mr. Diggles stated that one of their programs is the One Hundred Club where they were able to provide assistance to two families of law enforcement officers who were killed in the line of duty.

Mr. Diggles stated that last year they completed the Emergency Preparedness Plan for this region. Mr. Diggles stated that today they conducted one of the Hazardous Mitigation Plan planning session for three County Judges.

Mr. Diggles stated that all funding that would be coming down from Homeland Security first responders will be based upon the status of the assessments of the local communities. Mr. Diggles stated that the funding now is currently based upon regions. Mr. Diggles stated that DETCOG's plan was submitted first in the State and is the lead "buddy" in the three COG system.

Mr. Diggles stated that the largest program they administer in the agency is the housing program and it is a \$7 million program.

Mr. Diggles stated that other groups and organizations initiated or formed by DETCOG but not affiliated or administered by DETCOG are the Deep East Texas Self Insurance Fund, the I-19 Alliance and the Deep East Texas Local Workforce Development Board.

Mr. Diggles gave a historical comparison of DETCOG for the last 25 years.

**8. APPOINTMENT – APPROVED – COUNTY APPRAISAL DISTRICT REPRESENTATIVE**

Mayor Bronaugh stated that the next item for consideration was appointment of a representative to the County Appraisal District.

Mayor Bronaugh stated that the Council had appointed Councilmember Bob Bowman as the City's representative on the County Appraisal District Board, however, due to a calendar conflict Mr. Bowman has asked to be replaced.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that Rose Boyd be appointed as the City's representative to the County Appraisal District. A unanimous affirmative vote was recorded.

**9. BUDGET AMENDMENT NO. 2**

Mayor Bronaugh stated that the next item for consideration was Budget Amendment No. 2.

City Manager Maclin stated that included in the Council packet is a memo from the Director of Accounting Doug Wood explaining each of the amendments. Mr. Maclin stated that there is a Resolution on the Council table for Council's review. Mr. Maclin stated that all but one of the Amendments reflect approved budget changes that the Council has made in the budget, and the one exception is the debt service principal for the Street Department, which was inadvertently left out of the budget.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Budget Amendment No. 2 be approved as presented. A unanimous affirmative vote was recorded.

**10. EXTENSION OF TAX ABATEMENT POLICY – APPROVED**

Mayor Bronaugh stated that the next item for consideration was extension of the Tax Abatement Policy.

City Manager Maclin stated that the Tax Abatement Policy, statement, criteria, and application are all included in the Council packet. Mr. Maclin stated that this is the time for renewal and extension of the Policy, which is a requirement by law every two years. Mr. Maclin stated that staff is not recommending any changes to the Policy, but are recommending that the City continue to utilize this policy as a tool or incentive in the Economic Development Program.

In response to question by Councilmember Gorden, Mr. Maclin stated that the City's TAP reflects a good middle of the road policy; it's not the most liberal and it's not too conservative. Mr. Maclin stated that it is not abused and there is not a high frequency for utilization of the Policy. Mr. Maclin stated that any time that Council wanted to amend the Policy, they could.

In response to question by Councilmember Robertson, Mr. Maclin stated that the vast majority of businesses have fulfilled their obligations with the number of employees and investments. Mr. Maclin stated that when Texas Foundries was going to do their steel expansion, and the market changed in the automotive industry, that was not followed up on. Mr. Maclin stated that Texas Foundries had other expansions included in their iron division. Mr. Maclin stated that by and large the City has had good compliance, and when the compliance is not there then the CAD addresses that accordingly.

Councilmember Robertson asked that when some of the businesses have lay-offs for a period of time would that effect the Tax Abatement Policy. Mr. Maclin stated that it does not normally.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Rose Faine Boyd that the extension of the Tax Abatement Policy be approved for two years as presented. A unanimous affirmative vote was recorded.

#### 10. SALE OF EXCESS LAND – APPROVED – FRANK AND ELLIS STREETS

Mayor Bronaugh stated that the next item for consideration is the sale of excess land at Frank and Ellis Streets.

City Manager Maclin stated that this item was discussed at a previous meeting and the State thought at that point that the property belonged to them. Mr. Maclin stated that after some research it was determined that they had actually given that triangular tract of property at Frank and Ellis to the City of Lufkin. Mr. Maclin stated that staff has received a request from the adjacent property owner, which is Pal's Video, to purchase the property. Mr. Maclin stated that in order to comply with State law we have to have an appraisal and can sell that property to an adjacent property owner at appraised value if the Council desires. Mr. Maclin stated that the City has no need for retaining any property other than what it has already retained related to City easements. Mr. Maclin stated that the City Attorney had secured an appraisal from Jake Lyons, a copy of which is on the Council table. Mr. Maclin stated that the first and last pages are the two most important pages. The first page shows that the appraisal is \$18,300, and the last page shows the appraised summary at \$2.00 a square foot, which rounded up to \$18,300. Mr. Maclin stated that if the Council approves this it would authorize the City Attorney and the Director of Purchasing to proceed with the sale of this tract of property for the appraised value as stated in compliance with State law.

Mayor Bronaugh stated that this area is notorious for drainage problems, and asked if the City would address those needs when the Video stores comes to the get their building permits. Mr. Maclin stated that staff would to whatever extent is legally possible. Mr. Maclin stated that as far as the site itself, as far as making them take care of the neighbor's drainage, the City could not legally do that. Mr. Maclin stated that their site plan review would require that they meet the requirements of the City's Building Code. Mayor Bronaugh stated that the whole area that the City is selling is under water sometimes as much as six inches. Mr. Maclin stated that the City staff would make sure that the store is not building on the flood plain.

In response to question by Mayor Bronaugh, Mr. Maclin stated that TxDOT was asked to do a study for the area from Memorial Hospital to the Loop as far as traditional signalization. Mr. Maclin stated that Ellis Street and Kiln Street were mentioned specifically. Mr. Maclin stated that the problem they had with Ellis is that it is too close to Gaslight in terms of their criteria for proximity between traffic lights but TxDOT has been requested and has indicated that when they have funds and make a determination they would provide some additional safety features in that area to try and help reduce accidents.

Councilmember Gorden stated that, in his opinion, the appraisal was a low number in terms of value. Mr. Maclin stated that Jake Lyons had performed the appraisal.

Mayor Bronaugh stated that in the past the City has been very critical of very oblique angles of entrance to a main thoroughfare. Mr. Wright stated that the City's subdivision ordinance requires a 90-degree angle into the adjacent thoroughfare. Mr. Wright stated that we allow no more than a 20 degree offset. Mr. Wright stated that

there is also a Medi-Plex development that is taking place in that area behind a clinic and there is a new road that will come out at that same location, and he would suggest that Council approve this request contingent upon whatever land that we wish to reserve. Mr. Wright stated that the City could keep a portion of this land but would not need all of it. Mr. Wright stated that right now he would not expect that the City would need anything other than a strip of land to retain right-of-way to. Mr. Wright stated that the Medi-Plex street coming out would add more traffic.

In response to question by Councilmember Gorden, Mr. Maclin stated that staff and Council had talked about the necessity of traffic signalization or other issues relating to improving the safety on that portion of Frank Street. Mr. Maclin stated that what Keith is saying is that the City would perform the analysis and study and retain whatever balance of this .218 acres that the City needs to insure a safe entry, particularly with the new traffic that will be coming from the medical area.

Mr. Flournoy stated that he had talked with Mr. Lyons before he did the appraisal and after he had done some of his study he said that at .218 acres it was large enough to be commercially viable and that the value he put on the land was based on that. Mr. Flournoy stated that if the City kept very much of the land it will probably make the value go down considerably. Mr. Flournoy stated that, in his opinion if the land was less than .218 acres, Pal's Video would still be interested. Mr. Flournoy stated that it might cause the appraisal to be less per square foot if you reduce the .218 acres. Mr. Wright stated that the new street coming in would be the main access to Frank and Ellis would 't' into it and then take a 90 and then onto Frank Street. Mr. Wright stated that all the City would need would be that sliver where it is coming to a point. Mr. Wright stated that you are talking about an area that is non-buildable anyway that the City would retain. Mr. Wright stated that the majority of the land, which the City would not need, could be conveyed to Pal's Video.

Mayor Bronaugh asked why we would not delay the sale of property until we know a little bit about the plans for the area. Mayor Bronaugh stated that he would hate for the City to sell it and then have to buy it back because the City would lose money.

In response to question by Councilmember Robertson, Mr. Flournoy stated that Mr. Lyons said that at .218 acres you could actually have an independent business on the property. Mr. Flournoy stated that he did not know how much reduction it would take before the property was not able to stand on its own. Mr. Maclin stated that if the appraisal changes to anything other than \$2 a foot it could be brought back to Council. Councilmember Robertson stated that he would like to see staff do some basic analysis on this request before they approve selling the property. Councilmember Robertson stated that if the City needs this piece of property for transportation development he would like to see the Council delay their decision.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember R. L. Kuykendall that the sale of excess land at Frank and Ellis Streets be tabled for further study. A unanimous affirmative vote was recorded.

#### **11. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER**

City Manager Maclin stated that tomorrow, Wednesday, April 16<sup>th</sup> would be the first day for Early Voting.

City Manager Maclin stated that on the Council table are copies of the City's annual report.

City Manager Maclin stated this Thursday, April 17<sup>th</sup>, NASA is bringing Starship 2040 to Lufkin and it will be housed at the Middle School with the children touring it from 8 in the morning to 4 in the afternoon. Mr. Maclin stated that from 4 p.m. to 8 p.m. it is open to the general public.

City Manager Maclin stated that this Friday is Good Friday, which is a City holiday.

City Manager Maclin stated that for the long-range calendar, the Council retreat will be held on Friday, May 16<sup>th</sup> at Pine Island beginning at 11 a.m.

City Manager Maclin stated that on April 25 – 26 the Undoing Racism Task Force would be having some training here at City Hall. Mr. Maclin stated that a lady by the name of Dr. Doris Scott-Craddock would be coming from Knoxville, Tennessee to conduct the training.

City Manager Maclin stated that April 29<sup>th</sup>, TxDOT would be hosting an Information Sharing Meeting at the Lottie Temple Civic Center in Diboll beginning at 9 a.m.

City Manager Maclin stated that same day, April 29<sup>th</sup> at 7 p.m. has tentatively been set by NASA for an Appreciation Banquet at the Civic Center.

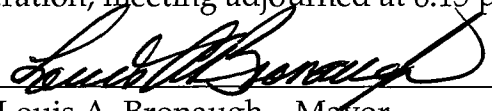
City Manager Maclin stated that May 1<sup>st</sup> at 12 noon the National Day of Prayer will be held at City Hall on the front steps.

City Manager Maclin stated that May 2<sup>nd</sup> is First Friday luncheon.

City Manager Maclin stated that Saturday, May 3<sup>rd</sup> is Election Day.

City Manager Maclin stated that May 15<sup>th</sup> from 5:30 to 8:00 the Undoing Racism Task Force would be hosting a minority business fair at the Civic Center. Mr. Maclin stated that all of the City's current vendors and contractors would be invited to have a free booth at that fair. Mr. Maclin stated that Minority business would be invited to come and provide information to the general contractors to make them aware of the services they could provide for future City jobs.

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

  
Louis A. Bronaugh – Mayor

ATTEST:  
  
Atha Martin – City Secretary