MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF MARCH, 1995 AT 5:00 P. M.

On the 7th day of March, 1995 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
Don Boyd	Mayor pro tem
Percy Simond	Councilman, Ward No. 2
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Rick Williams, Minister, First Baptist Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that minutes of Regular Meeting of February 21, 1995 be approved as presented. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO NEIGHBORHOOD RETAIL ZONING DISTRICT - FM 58 - BARTMESS DRIVE - GENE PARKER

Mayor Bronaugh stated that the first item for consideration was First Reading of an Ordinance to change the zoning on approximately 0.631 acres of land located at the southeast corner of FM 58 and Bartmess Drive from Residential Large to a Neighborhood Retail Zoning District as requested by Gene Parker.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Tucker Weems that Ordinance be approved on First Reading as presented.

The following vote was recorded:

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

Motion carried by a vote of 4 to 3.

5. ORDINANCE - APPROVED - SECOND READING - SEXUALLY ORIENTED BUSINESSES

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance regulating sexually oriented businesses.

Motion was made by Councilman Bob Bowman and seconded by Councilman

Jack Gorden, Jr. that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - SECOND READING - GRAFFITI**

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

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT (PARKING LOT) - RESIDENTIAL SMALL ZONING DISTRICT - 2804 ATKINSON DRIVE - SOUTHLAND FEDERAL CREDIT UNION**

Mayor Bronaugh stated that the next item for consideration was to consider Second Reading of an Ordinance for a Special Use Permit for a parking lot at 2804 Atkinson Drive within a Residential Small Zoning District as requested by Southland Federal Credit Union.

CIty Manager Maclin stated that this is Second Reading of an Ordinance that was unanimously recommended by the Planning & Zoning Commission.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded

8. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE - LOCAL BUSINESS, SPECIAL USE (CONTRACTOR'S STORAGE YARD) - DON LANGSTON - ELMA NASH - 3306 FORD CHAPEL ROAD**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning on approximately one acre of land located at 3306 Ford Chapel Road from Residential Large to Local Business, Special Use (Contractor's Storage Yard) as requested by Don Langston on behalf of Elma Nash.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. **RESTRICTIVE BREEDER ORDINANCE - APPROVED - SECOND READING**

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

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

10. **ANIMAL TRAP PERMIT ORDINANCE - APPROVED - SECOND READING**

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Animal Trap Permit Ordinance.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

11. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE - PLANNED UNIT DEVELOPMENT - TULANE DRIVE - DAVID MILES - MARTHA HELEN CARD**

Mayor Bronaugh stated that the next item for consideration was request by David Miles on behalf of Martha Helen Card to change the zoning from Residential Large to a Planned Unit Development on approximately 28.75 acres of land located east of Tulane Drive and approximately 300 feet south of Loop 287.

City Manager Maclin stated that included in the Council packet is the documentation that provides explanation of the request, the location, the Planned Unit Development District, and the phasing of the process. City Manager Maclin stated that this request is forwarded to Council with a unanimous recommendation from the Planning & Zoning Commission to approve the Zone Change from Residential Large to Planned Unit Development (PUD).

David Miles stated that he had prepared a notebook showing what garden homes are and pictures of the proposed planned development, which he passed around to Council members. Mr. Miles read a brief history of the Card family. Mr. Miles stated that during the granting of an easement to Dr. William Wagnon for sewer access to his property, the idea of the development was borne. Mr. Miles stated that during the process of detailing the easement, the City of Lufkin made provisions for future development of this parcel. Mr. Miles stated that the Comprehensive Master Plan has designated this property as Commercial for future land use. Mr. Miles stated that it his desire to develop this parcel as a Planned Unit Development instead of selling it for commercial use.

Martha Card addressed the Council on behalf of the request, and commended the City Planner and City Engineer on their assistance in helping to develop a master plan for Card Forest.

Those appearing in support of this request were: Tim Richardson representing the Burke Center, Tony Perry representing his mother Evelyn Perry Clark, Annon Card, and Mozelle Card.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. **ORDINANCE - APPROVED - FIRST READING - CITY ELECTION - COUNCILMEMBER POSITIONS - POLLING PLACES - SETTING DATE FOR ELECTION**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance providing for the calling of a City election for Councilmember positions, establishing polling places, and setting a date for the election.

City Manager Maclin stated that included in the packet is a copy of the Ordinance calling for the election of Councilmembers of Wards 1 and 3, listing the polling places and setting Saturday, May 6, as the date for the election. City Manager Maclin stated that the polling place for Ward 1 is the Museum of East Texas and the polling place for Ward 3 is Herty School.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that First Reading of Ordinance be approved as presented. A unanimous affirmative vote was recorded.

13. **RESOLUTION - APPROVED - SOUTHEAST TEXAS REGIONAL TASK FORCE ON TRANSPORTATION**

Mayor Bronaugh stated that the next item for consideration was a Resolution in support of the Southeast Texas Regional Task Force on Transportation.

Mayor Bronaugh stated that this Resolution was sent to the Mayor's office from the Beaumont/Port Arthur area and deals with the transportation needs of that southeast Texas area. Mayor Bronaugh stated that those transportation needs there often times effect a place like the City of Lufkin. Mayor Bronaugh stated that it is through that effort that this Resolution is before Council for consideration.

Mayor Bronaugh stated that David Burnsen, Chairman of the Texas Department of Transportation Commission, is very much in favor of this Resolution and has asked for participation by cities and counties in passing the Resolution.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Resolution be approved as presented. A unanimous affirmative vote was recorded.

14. **REQUEST - APPROVED - BASTIAN GROUP - TARGET DEPARTMENT STORE FESTIVITIES**

Mayor Bronaugh stated that the next item for consideration was a request of the Bastian Group regarding festivities for the grand opening of Target Department Store on Saturday, March 11.

City Manager Maclin stated that included in the Council packet is a letter from Janice Morris from the Bastian Group requesting Council authorization as part of the grand opening of the Target store to conduct a laser light show along with accompanying music at 8:30 p.m. and again at 9:00 p.m. for a period of ten minutes.

City Manager Maclin stated that this group had originally planned a fireworks display but because they were not able to work out the logistics of that within an adequate time frame, they went for the laser show.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Bob Bowman that request of the Bastian Group be approved as presented. A unanimous affirmative vote was recorded.

15. **DISCUSSION - DISPOSITION OF CONFISCATED GUNS**

Mayor Bronaugh stated that the next item for consideration was discussion of disposition of confiscated guns.

Mayor Bronaugh stated that Councilman Percy Simond had requested that this item be included in the Agenda. Councilman Simond stated that he had been concerned as to the disposition of confiscated guns that the Lufkin Police Department comes in contact with. Councilman Simond stated that his request was prompted by the State Legislature in Austin that everybody should have a gun. Councilman Simond stated that, in his opinion, the City of Lufkin should not be a party to putting guns back on the street where people can carry a concealed weapon. Councilman Simond stated that, in his opinion, allowing people to have access to these confiscated weapons would make it possible for Policemen and others to be killed. Councilman Simond stated that we should do everything we can to keep guns off the street. Councilman Simond stated that we should not equate money with lives, and he was not impressed with the amount of money that was received for the sale of the confiscated guns. Councilman Simond stated that he had talked to the City Attorney and he thought it would be better to implement a policy as opposed to passing an Ordinance. Councilman Simond stated that the City Manager suggested that each time there were guns to sale, the Police Department could bring it to the attention of Council and they could decide on the disposition of the guns. Councilman Simond stated that, in his opinion, the City is not so destitute that they have to sell these guns for the $10,000-$15,000 they would bring to help run the City. Councilman Simond stated that he would hope that the City would not ever sell another gun other than to another Policeman.

City Manager Maclin stated that if Council wanted to have a Policy or pass a motion tonight that at such point in the future when the Police Department needs to dispose of confiscated weapons, they would bring an inventory of those weapons to the Council and let them decide on a case by case basis about the disposition of the weapons. City Manager Maclin stated that there have only been two times in the past seven years that the Police Department has sold confiscated weapons.

Councilman Bowman stated that he liked the idea of the Council having some oversight of the sale of weapons.

Asst. Deputy Chief David Kirkland stated that the guns that are brought into the confines of the Police Department are confiscated as a result of an arrest and occasionally they get guns that are abandoned. Chief Kirkland stated that once the guns become part of the Department's inventory, there is a notification proceeding where the owner can claim the weapon if he has legal right to it. Chief Kirkland stated that there is a "paper trail" on each weapon before they are sold or destroyed. Chief Kirkland stated that illegal weapons will be destroyed at one of the local industries where they are melted down. Chief Kirkland stated that the weapons that are sold are usually sold by auction. Chief Kirkland stated that the last sale of weapons netted the Department $26,000 which was invaluable in buying equipment for the Department.

In response to question by Mayor Bronaugh, Chief Kirkland stated that at the last weapons auction, each weapon was held up and bid on one at a time. Chief Kirkland stated that he had called ATF today and they recommended that the Department might want to consider selling only to gun dealers and let them assume any liability that could be incurred. Chief Kirkland stated that the auctioneer maintains the "paper trail" for the weapons that are sold.

Motion was made by Councilman Bob Bowman and seconded by Councilman Percy Simond that for any future sales contemplated by the Police Department they will provide Council with a list of the guns to be sold. A unanimous affirmative vote was recorded.

16. **CITIZEN'S COMPOST GIVE-AWAY - APPROVED - RECYCLING CENTER**

Mayor Bronaugh stated that the next item for consideration was approval of a citizen's compost give-away program.

City Manager Maclin stated that included in the Councilmember's packet is a letter from the Asst. City Manager of Public Works and a letter from Dennis Webster, Recycling Center Superintendent.

Mr. Webster stated that the Recycling Center has an abundance of compost that is now ready for public use. Mr. Webster stated that the "give away" program will take place at the Recycling Center on Saturday, March 18 from 8:00 a.m. until 3:30 p.m. Mr. Webster stated that any citizen with a valid Driver's License and a current utility bill will receive two cubic yards of compost free of charge.

Mr. Webster stated that he has talked with KYKS radio station in regard to doing a remote program live from the Recycling Center on this date.

Mr. Webster stated that there is also the possibility of having another day, perhaps Earth Day, as a compost give-away day in the future.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler to approve the proposal by the Recycling Center for a citizen's compost give-away program . A unanimous affirmative vote was recorded.

17. **BID - APPROVED - 12" WATER LINE REPLACEMENT - NORTH LOOP 287**

Mayor Bronaugh stated that the next item for consideration was bids for a 12" water line replacement on north Loop 287.

City Manager Maclin stated that staff recommendation is to award the low bid of Oscar Crawford Construction Company in the amount of $227,295.00.

Motion was made by Councilman Larry Kegler and seconded by Councilman Tucker Weems to accept the bid of Oscar Crawford Construction Company in the amount of $227,295. A unanimous affirmative vote was recorded.

18. **APPOINTMENT - APPROVED - ANN HAYNES - LUFKIN BOARD OF DEVELOPMENT**

Mayor Bronaugh stated that the next item for consideration was an appointment to the Lufkin Board of Development.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Ann Haynes be appointed to the Lufkin Board of Development. A unanimous affirmative vote was recorded.

19. **COMMENTS**

Councilman Kegler stated that he would like to compliment City Manager Maclin on the brochure that was included in the Councilmember's packets. City Manager Maclin stated that the idea for the brochure originated with the Utility Collections Department and he merely facilitated the idea by producing the brochure in-house. Asst. City Manager Mayfield stated that this brochure was coordinated by Drew Squyres, Kelly Young and Gary Crain, Utility Collection Department employees. Along with the brochure there is a "Welcome To Lufkin" packet which includes the brochure, a City map, a 911 sticker, and some information about recycling.

City Manager Maclin informed the Mayor and Councilmembers of the death of Johnny Frank Medford who had performed a lot of the right-of-way acquisitions for the City. Mr. Maclin stated that the funeral for Mr. Medford would be held at 2:30 p.m. Wednesday afternoon.

20. There being no further business for consideration, meeting adjourned at 5:57 p.m.

Louis A. Bronaugh

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary