MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19th DAY OF DECEMBER 2000 AT 5:00 P. M.

On the 19th day of December 2000 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 Bronaugh	Mayor
R. L. Kuykendall	Mayor pro tem
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works

Being present, and

C. G. Maclin	City Manager

Being absent when the following business was transacted.

1. Keith Wright, City Engineer, opened meeting with prayer.

2. **APPROVAL OF MINUTES**

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that the minutes of the Regular Meeting of November 21, 2000 be approved as presented. A unanimous affirmative vote was recorded.

3. **PUBLIC HEARING – ANNEXATION – AMERICAN COLOR GRAPHICS**

Mayor Bronaugh opened Public Hearing to consider the request for annexation by American Color Graphics for property located at the northeast corner of State Highway 103 and FM 842.

There was no one present to speak for or against the annexation.

Mayor Bronaugh closed Public Hearing.

4. **ORDINANCE – APPROVED – SECOND READING – SPECIAL USE PERMIT – TELECOMMUNICATIONS TOWER – COMMERCIAL ZONING DISTRICT – 1516 W. FRANK STREET**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Special Use Permit for a telecommunications tower within a "Commercial" zoning district located at 1516 W. Frank Street.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Ordinance for a Special Use Permit for a telecommunications tower within a "Commercial" zoning district located at 1516 W. Frank Street be approved as presented on Second and Final Reading. A unanimous affirmative vote was recorded.

5. **ORDINANCE – APPROVED – SECOND READING – STREET CLOSING – TULANE DRIVE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to close a portion of Tulane Drive.

Mayor Bronaugh stated that this Ordinance passed on First Reading by a vote of 5 to 1, and he expressed concerned about the safety of the opening on Timberland Drive.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Don Boyd that Ordinance closing a portion of Tulane Drive be approved as presented on Second and Final Reading. The following vote was recorded:

Aye: Councilmembers Torres, Boyd, Kuykendall, Robertson, Gorden and Bowman
Nay: Mayor Bronaugh

Motion carried with six affirmative votes.

6. **ORDINANCE – APPROVED – SECOND READING – AMENDMENT – STANDARD UNSAFE BUILDING CODE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to amend the Standard Unsafe Building Code.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to amend the Standard Unsafe Building Code be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE – DENIED – ZONE CHANGE – RESIDENTIAL LARGE TO LOCAL BUSINESS - LOOP 287 NORTH OF ALLENDALE DRIVE – BILLIE SUE BROOKS – KEITH GREEN**

Mayor Bronaugh stated that the next item for consideration was the request of Keith Green on behalf of Billie Sue Brooks to change the zoning from "Residential large" to "Local Business" on approximately 3.3 acres of land located on the inside of Loop 287 approximately 550 feet north of Allendale Drive.

James Hager, Assistant City Manager, stated that included in the Council packet is a memorandum of explanation from the Planning Department. Mr. Hager stated that the Planning & Zoning Commission, by unanimous vote, had denied the request and it would take six affirmative votes by Council for approval.

Keith Green stated that he would like to give some background about the property and the reason he is asking for the zone change. Mr. Green stated that the property is owned by the Brooks family and adjoins an undeveloped portion of Brooks Street. Mr. Green stated that at the present time Brooks Street dead ends at the rear of this property and at one corner. Mr. Green stated that Brooks Street does not extend to the Loop. Mr. Green stated that the property only has 530' of frontage along the Loop and it requires 200' for an RPO zoning and a minimum of one acre. Mr. Green stated that he had contacted the City because if the City was willing to close and sell the Brooks Street that was not being used as a street, although it does have utilities in it, then he felt like it was a possibility that he could get as much as 600 feet of frontage. Mr. Green stated that with three acres and 600' of frontage it would give him approximately three tracts, each at least an acre and each with 200' of frontage along the Loop. Mr. Green stated that the City declined to negotiate with him and told him that there was no desire to sell this portion of Brooks Street and at some point in the future it might be extended to the Loop as another access into the subdivisions that exist back in the Allendale area. Mr. Green stated that he has one portion of the property under contract to sell, which is a little over one-half acre that has approximately 200' feet of frontage. Mr. Green stated that the RPO zoning does not work for him because with only 530 feet of frontage that only allows him to develop two tracts. Mr. Green stated that the one-acre requirement of the RPO would mean that the one tract he has under contract would not sell either. Mr. Green stated that they looked at the Neighborhood Retail zoning but that requires a building that is not in excess of 3,000 SF. Mr. Green stated that the user of the property that he has under contract intends to build a very nice office building in excess of 4,000 SF. Mr. Green stated that this is an existing business in Lufkin and they have 25 employees. Mr. Green stated that he had done some research since the Planning & Zoning meeting and borrowed a copy of the Comprehensive Plan that was done in 1987. Mr. Green stated that the entire West Loop, basically everything from Hwy. 94 all the way to U. S. 59 in the Comprehensive Plan calls for Commercial zoning, and the only Commercial zone he could find that would fit for this property and that they could develop the property into an office complex yet allow folks to buy less than one acre and have less than 200' of frontage was the Local Business zoning. Mr. Green stated that he did not have any choice except to ask for a Local Business zoning. Mr. Green stated that when the City Planner sent out the notification letters there was only one reply and it was for approval. Mr. Green stated that at the Planning & Zoning Commission meeting there was only one opposition to the request and that was the City Planner. Mr. Green stated that their intention was to build offices, which is the highest and best use for this property. Mr. Green stated that the RPO zoning did not exist when the Comprehensive Plan was adopted in 1987. Mr. Green stated that there have been other RPO's in that particular area. Mr. Green stated that the ones that have been done for a specific use are the property that belongs to Mr. Duncan, the property that belongs to Dr. Roche and the property for GENCO. Mr. Green stated that the only other property in that neighborhood that is zoned RPO is a nine acre tract across the street from this particular tract and that tract is owned by Jack Greer Davis. Mr. Green stated that he represented Mr. Davis for several years attempting to sell this property but no one would buy it because it is nine acres and has 600' of frontage and with RPO it is only three tracts.

In response to question by Councilmember Robertson, Mr. Green stated that there would be 25 employees in the proposed building and they have had an engineering firm do a layout of the site and there will be adequate parking because they will not be in the office all at the same time.

Stephen Abraham stated that the Comprehensive Plan did call for a Restrictive Professional Office district but there is more to the Plan than the types of zoning. Mr. Abraham stated that the Comprehensive Plan also has goals and objectives and there were goals and objectives he was trying to apply particularly on the West Loop. Mr. Abraham stated that the Comprehensive Plan talked about goals and policy objectives which it wanted to accomplish specifically about regulating access points and the space between driveways and spacing between signs. Mr. Abraham stated that there is a drainage problem on the west side. Mr. Abraham stated that the Comprehensive Plan also says that you need to take away the pyramiding of the zoning districts and have specific requirements to achieve a planning purpose. Mr. Abraham stated that prior to the RPO and the 200' frontage requirement or the one-acre, basically the minimum lot size was 60' for Local Business, and it still is today. Mr. Abraham stated that there is a problem on the West Loop with too many access points.

In response to question by Councilmember Robertson, Mr. Wright stated that he looked at opening up Brooks Street and there are several concerns that include a sewer line that goes through the right-of-way area. Mr. Wright stated that he has been working with the Police Department and Fire Department in trying to eliminate these types of streets and he would like to extend Brooks Street to the Loop and also to improve access to that area to give another route out of the Allendale area. Mr. Wright stated that it is his intent in the future to extend Brooks Street to the Loop.

Mayor Bronaugh asked if Mr. Green had the choice of going to the Zoning Board of Adjustment and Appeals Board. Mr. Abraham stated that if the City Council determines that the proper zoning is Local Business then there's no need to go back to the Board of Adjustment because there would not be a 200' frontage requirement or minimum one acre. Mr. Abraham stated that if that is denied and the property remains residential then he could apply for a RPO and once that is put in place he could go to the Board of Adjustment and make his case that there is something peculiar about that land that separates it from all the other land that is zoned RPO and it is physically not possible to meet the requirements of the RPO. Mr. Abraham stated that if the Board of Adjustment found the facts justified they could grant a variance based on hardship or special circumstances.

Mr. Green stated that he wanted to make sure that Council understood what Mr. Abraham is saying about going back to the Board of Adjustment on the RPO. Mr. Green stated that what Mr. Abraham is saying is if the property will justify it, if there are extenuating circumstances about the property that would allow something less than one acre to be zoned RPO, then the Board of Adjustment could grant a variance. Mr. Green stated that he is concerned that if he goes to the Board of Adjustment they will say that there are no extenuating circumstances that prevents this 3.3 acres from being developed as RPO. Mr. Green stated that the thing that prevents this is that it only has 530' of frontage so it is only two lots, and finding a user under a RPO zoning to split it into two lots is not affordable.

Mr. Green stated that the RPO zoning is probably the most restrictive of all requirements of going through the process with the City Planners and Engineers as far as site planning, landscape requirements, drainage, etc. Mr. Green stated that the way the property looks and the restrictions that are put on a RPO zone is not what he objects to. Mr. Green stated that he does not have a problem with the property being zoned RPO, the problem is created with this amount of frontage he only has two owners. Mr. Green stated that the RPO Ordinance has some contradictions.

Councilmember Robertson stated that he had concern with safety in this section of the Loop and if we are talking about having more owners and more driveways it would add to the already existing problems. Mr. Green stated that the property under contract would not have access to the Loop. Mr. Green stated that the sellers of the property are giving an easement to the purchasers of the half-acre and that easement would be the entrance to the property.

Councilmember Robertson stated that he would like to see as many of the trees on the property saved if it is possible and new trees planted where trees had to be removed.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that Ordinance for a Zone Change from "Residential Large" to "Local Business" on approximately 3.3 acres of land located on the inside of Loop 287 approximately 550 feet north of Allendale Drive as requested by Keith Green on behalf of Billie Sue Brooks be denied. A unanimous affirmative vote was recorded.

8. BID – WITHDRAWN – MODULAR PLAYGROUND EQUIPMENT – PARKS DEPARTMENT

Mayor Bronaugh stated that the next item for bids on modular playground equipment for the Parks Department had been withdrawn from consideration.

9. ADDENDUM – APPROVED – NEW YEAR'S EVE – FIREWORKS DISPLAY

Mayor Bronaugh stated that, as an Addendum to the Agenda, Council would now consider a request for fireworks to be displayed at a New Year's Eve celebration at Junior High West sponsored by area churches.

Mr. Wright stated that he had talked to City Attorney Bob Flournoy today and the event would start at 4:00 p. m. and would continue to 6:15 p.m. Mr. Wright stated that a fireworks display would follow the meeting. Mr. Wright stated that the churches would like to close off that portion of Angelina Street between Raguet and Pershing for about one hour while the fireworks are taking place. Mr. Hager stated that part of the Resolution was permitting fireworks in the City limits. Mr. Hager stated that Brookshire Bros. is sponsoring the fireworks and they have talked with the pyrotechnicians and the City Fire Marshal. Mr. Freeman stated that the City Ordinance states that the City Council must approve any fireworks within the City limits. Mr. Freeman stated that this is the same entertainment group that performs the fireworks show at the 4th of July celebration at Ellen Trout Zoo every year. Mr. Freeman stated that he and Mr. Flournoy met with the person in charge of the fireworks today at the site and he believes that he can meet all of the State requirements for the shooting area and landing area with the permission from Lufkin Industries to consider use of part of their land across the railroad as a possible landing zone. Mr. Freeman stated that he would recommend written permission from Lufkin Industries. Mr. Freeman stated that he would set up on the football field and angle the trajectories over Angelina Street railroad track and during the fireworks show Angelina Street would have to be closed.

In response to question by Councilmember Robertson, Mr. Freeman stated that these fireworks were very similar to the fireworks used at Ellen Trout Zoo on July 4^{th} – 3", 4", and 5" shells. Mayor Bronaugh stated that he hoped that the Lufkin News would give some publicity about this event.

Mr. Wright stated that Jim Turner and Jim McReynolds have been invited to attend along with all City and County officials.

Mr. Hager stated that he would be happy to coordinate this event with the City Attorney.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Lynn Torres Resolution for fireworks display for the New Year's Eve celebration sponsored by area churches be approved as presented subject to liability and agreement by Lufkin Industries. The following vote was recorded:

Aye: Councilmembers Gorden, Torres, Bowman, Kuykendall, Boyd and Mayor Bronaugh
Nay: Councilmember Robertson

Motion carried with six affirmative votes.

10. There being no further business for consideration, meeting adjourned at 5:50 p.m.

Louis Bronaugh
Louis Bronaugh
Mayor

ATTEST:

Atha Martin
Atha Stokes Martin - City Secretary