

**MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
7TH DAY OF JULY, 1992 AT 5:00 P.M.**

On the 7th day of July, 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
Percy Simond
Don Boyd
Larry Kegler
Bob Bowman
Jack Gorden
Tucker Weems

Mayor
Commissioner, Ward No. 1
Commissioner, Ward No. 2
Commissioner, Ward No. 3
Commissioner, Ward No. 4
Commissioner, Ward No. 5
Commissioner, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Reverend Leon Wallace, Minister, Eastview Pentecostal Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of June 16, 1992, were approved on a motion by Commissioner Bob Bowman and seconded by Commissioner Larry Kegler. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - JACK GREER DAVIS - RESIDENTIAL LARGE TO RESTRICTIVE PROFESSIONAL OFFICE - JOHN REDDITT DRIVE BETWEEN HANKS STREET AND MOSSFIELD ROAD**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Zone Change as requested by Jack Greer Davis from Residential Large to Restrictive Professional Office on approximately 9.25 acres of land fronting the west side of John Redditt Drive between Hanks Street and Mossfield Road.

Gary Bridges, representing the Southridge Homeowner's Association, stated that there were two issues of concern to the residents that he would like for the City Commission to consider before voting on Second Reading of the Ordinance. Mr. Bridges stated that the issues were (1) the RPO Ordinance as it is written is not in the spirit of all the concepts that the program was originally initiated years ago by the Planning & Zoning Commission of previous year, and (2) there is a drainage problem in this area.

Mr. Bridges stated that in the spirit of what was accomplished in maintaining that strip of the Loop as a "residential" area in that Commercial development be controlled and restricted, over the years Planning & Zoning, through a series of discussion and efforts, came to a resolution that "professional" would be acceptable. Mr. Bridges stated that there are several offices on this part of the Loop now that look like residences, and under the spirit of that compromise, those specific exceptions were made with the understanding that they were professional, and would be appealing to the neighborhood. Mr. Bridges stated that the zoning, as it is written now, suddenly reflects that 20% of the developed buildings could reflect retail operations. Mr. Bridges stated that, in the spirit of how the Ordinance was originally written, retail operations were to be prohibited (on this part of the Loop). Mr. Bridges stated that the Planning & Zoning Commission implied that there was a preemptive right of business on a major artery that it be commercially developed (that no one would want to build a home facing a major artery).

Mr. Bridges stated that there is great concern by the homeowners that the Ordinance as it is written, is opening up a "Pandora's box" of problems. Mr. Bridges stated that there is also concern, as to whether there is a mechanism in place for the City to monitor the 20% for retail.

Mr. Bridges stated that one of the problems creating flooding in this area is that the trees have grown up in the creek, prohibiting the flow of the water. Mr. Bridges stated that further development will continue to complicate the flow of the creek. Mr. Bridges encouraged the Commissioners to go forward with a comprehensive drainage flow study of Cedar Creek.

Mr. Bridges stated that the homeowners were making a sincere appeal that the City Commission not approve the Second Reading of the RPO Ordinance, but send it back to the Planning & Zoning Commission to write an Ordinance that is "professional only". Mayor Bronaugh stated that whatever development is done, the City Commission will be looking at it, and that it is the responsibility of the City Commission to see that the rules are followed.

City Manager Maclin stated that when the Planning & Zoning Commission drafted the RPO Ordinance they wanted to maintain a positive relationship from a transition basis from a Loop frontage to a residential area. City Manager Maclin stated that the response that was made in regard to the fact that there are professional offices now on the Loop that blend in with the neighborhood and look similar to homes, this same thing will apply to the 30% retail. City Manager Maclin stated that the retail will have to be built in the shell of the same building that houses the office. City Manager Maclin stated that there are several things relating to the RPO that gives protection specifically to the residential owner that does not currently exist. City Manager Maclin stated the current zoning that is presently at this location would allow the owner to clear cut the property and put up a neon sign (would only need a building permit to put up the neon sign). City Manager Maclin stated that under the RPO, the building through the site plan process, will be reviewed to confirm that it is compatible with the neighborhood. City Manager Maclin stated the signage will have to be submitted in the site plan; no signage that is incompatible with the neighborhood will be allowed through the planning process and through P&Z's review of the site plan. City Manager Maclin stated that the site plan requires that drainage issues be addressed and that they satisfy the City Engineer and Building Inspection Department. City Manager Maclin stated that as far as enforcement of the Ordinance, this could be done through the Planning Department and the Code Enforcement Office.

Mr. Abraham stated that the most likely point at which the Ordinance would be enforced is when the Certificate of Occupancy is issued.

In response to question by Commissioner Bowman, the City Manager stated that the question of who would be liable if there is an incidence of flooding after the property is developed would depend upon the circumstances.

Commissioner Bowman stated that he wanted to urge the City staff to continue to have a dialogue with the residents in this area because they do have a legitimate concern.

Commissioner Gorden that, in his opinion, the City needs to address the drainage in this area.

Those present in opposition to the request were:

John and Diane Pounds

Cy Stapleton

Eugene Tate

Gary Bridges

Kenneth Barnett

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that Ordinance for a Zone Change as requested by Jack Greer Davis from Residential Large to Restrictive Professional Office on approximately 9.25 acres of land fronting the west side of John Redditt Drive between Hanks Street and Mossfield Road be approved on Second and Final Reading as presented. The following vote was recorded:

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

Commissioner Simond stated that since he had missed two of the meetings when this request was discussed, he would like to abstain from voting.

Motion carried with six affirmative votes.

John Pounds expressed his disappointment over the passage of the Ordinance, and stated he felt that the City had not talked to the residents in depth about their concerns.

5. REQUEST - ANGELINA COUNTY JUVENILE SERVICES - SOLICITATION OF FUNDS

Mayor Bronaugh stated that the next item for consideration was a request by Steve Spencer for solicitation of funds for the Angelina County Juvenile Services.

Mr. Spencer stated that he had worked for this program for the past 15 years and had hoped that one day the City and County would be working together for the benefit of the kids who have problems. Mr. Spencer stated that he was requesting a donation of \$15,000 in City fund to be used for the salary of a Restitution/Volunteer Coordinator to supervise juveniles as they work to pay off the debts that they have incurred. Mr. Spencer stated that of the 703 referrals which came through his office last year, 63% dealt with youth from the City.

In response to question, Mr. Spencer stated that his budget for this program is a little over a half million dollars, and that the program is funded through Federal and State funds and from private foundations.

Mr. Spencer stated that he is predicting that his office will see 1,000 referrals next year, and he is asking the City to help in funding the program.

6. PROPOSAL - APPROVED - CONDEMNATION PROCEEDS - RIGHT-OF-WAY PURCHASE - CHESTNUT STREET - JIMMY CASSELS

Mayor Bronaugh stated that the next item for consideration was proposal by Attorney Jimmy Cassels for condemnation proceeds necessary for the purchase of right-of-way related to the street project on Chestnut.

Johnny Frank Medford stated that there are 58 different property owners on Chestnut Street that will be affected by the street improvements. Mr. Medford stated that there was some question on certain tracts of the property as to the current ownership and it will be necessary to condemn the property in order to clear the title. Mr. Medford stated that some of the property owners are not in agreement as to the value of the property and it will be necessary to have the property condemned in order to resolve the issue. Mr. Medford stated that this is a lengthy process and after talking with the City Attorney it was agreed that Mr. Cassels make a proposal to the City for condemnation services.

Mr. Cassels stated that he had submitted a letter setting the price for the condemnation services.

City Manager Maclin stated that the City needed to proceed on this project as soon as

possible. In response to question by Commissioner Gorden, City Manager Maclin stated that the money has been budgeted for acquisition of right-of-way on Chestnut, however, if there were nine parcels of property that were condemned, staff would have to come back to the City Commission for some additional contingency funds to meet this need. City Manager Maclin stated that pending on the timing, it might be considered in next year's budget. City Manager Maclin stated that \$70,000 had been budgeted for this project.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that the proposal of Jimmy Cassels for condemnation services for street improvements on Chestnut be approved as presented. A unanimous affirmative vote was recorded.

7. GRANT - APPROVED - PINEYWOODS FOUNDATION - EAST LUFKIN/LUFKIN LAND

Mayor Bronaugh stated that the next item for consideration was a grant from the Pineywoods Foundation for housing rehabilitation in East Lufkin and Lufkin Land.

City Manager Maclin stated that a letter from the Pineywoods Foundation indicating the Foundation's benevolence to further this program that they've initiated already had been included in the Commissioner's packets.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the \$15,000 grant from the Pineywoods Foundation for housing rehabilitation in East Lufkin and Lufkin Land be accepted as presented and that the City Commission present a Proclamation to the Pineywoods Foundation.

Commissioner Bob Bowman recused himself from voting.

Motion carried by six affirmative votes.

Commissioner Kegler stated that he would like to issue a special "Thanks!" for the renovation of homes in his Ward.

8. REGIONAL WATER SUPPLY PROGRAM UPDATE

Mayor Bronaugh stated that the next item for consideration was an update on the Regional Water Supply Program.

City Manager Maclin stated that the City staff has been involved in the development of a regional water plan for the past two or three years. City Manager Maclin stated that the City had some water needs relating to distribution and storage that needed to be constructed, but these plans had been intentionally held off until staff could explore the possibilities of participating in a regional approach to water supply. City Manager Maclin stated that last week the Hudson Water District voted for the second time regarding their participation in the regional plan and the regional water plan was defeated by a greater margin the second time than the first time.

City Manager Maclin stated that, in his opinion, it is safe to say that the regional water plan that had been worked on for the past two or three years has reached a conclusion that there are not enough participants to merit further consideration at this time. City Manager Maclin stated that perhaps when other entities get to the point where they need additional supplies of water, then a regional water plan can be re-discussed. City Manager Maclin stated that in the meantime, with the understanding that the staff feels that the regional water plan as it has been discussed is non-functional at this point, the City now needs to move forward. City Manager Maclin stated that the City has been in a holding pattern to address City needs waiting on this process for the last three years.

City Manager Maclin stated that the City needs to move forward with addressing the

East Loop distribution line and elevated storage on the south side of town. City Manager Maclin stated that there are deficiencies in terms of water pressures and water supplies that need to be addressed as quickly as possible. City Manager Maclin stated that the next step in the process would be to secure engineering services for the construction plans and specifications for this regional water plan needs assessment, etc. City Manager Maclin stated that EGA has been working with the region and the City of Lufkin regarding this project for some time.

Wayne Stolz of EGA, stated that his firm is prepared to move forward with the City in developing an engineering contract and securing design services for the facilities that the City needs. Mr. Stolz stated that his firm feels very strongly that in their previous planning for the City they are now well prepared to proceed with the design at this point. Mr. Stolz stated that his firm has developed all the modeling for the water distribution system, provided the initial cost estimates, and prepared the water distribution study for the City. Mr. Stolz stated that in case the City chooses to solicit proposals for engineering services, his firm is prepared to assist the staff in developing that request for proposal, and updating the budget for the project.

City Manager Maclin stated that the staff and Commission had discussed this potential need at the Retreat meeting in anticipation of trying to be prepared for the outcome of the regional water plan. City Manager Maclin stated that staff will need direction as to whether the Commission desires to utilize the services of EGA or go out for proposals from other engineering firms. City Manager Maclin stated that if the Commission desires to go out for bids, staff will need authorization to advertise for proposals today to begin that process as quickly as possible.

City Manager Maclin stated that the bulk of the expense will be for the two million gallon storage tank on the East side of town.

Commissioner Simond stated that he had met with three different groups in the last three days who shared his concerns about minority participation in these major undertakings by the City. Commissioner Simond stated that he was informing the Commission that there will be some attempts to block some of these activities if these people feel they are being overlooked. Commissioner Simond stated that this project and all street bonded projects will be challenged unless they feel minorities are treated fairly. Commissioner Simond stated that this was not a threat. Commissioner Simond stated that he had suggested to the group that he set up a meeting with the Mayor and City Manager concerning this matter.

In response to question by Commissioner Gorden, City Manager Maclin stated that for the total water improvements, the City is probably looking at between \$5 and \$6 million dollars. City Manager Maclin stated that engineering fees for the project would amount to 8-11% of the \$5 to \$6 million dollars.

City Manager Maclin stated that he was asking for a common consensus of opinion from the Commission today as to whether or not they wanted to seek proposals for engineering services, or desired to move forward with EGA. City Manager Maclin stated that this item will be on the next meetings agenda.

9a. **BID - APPROVED - COVERED DECK - NARCOTICS TRAINING BUILDING - MADDUX BUILDING MATERIALS**

Mayor Bronaugh stated that the next item for consideration was bids for covered deck at the Narcotics Training Building.

City Manager Maclin stated that the staff recommendation was to accept the low bid of Maddux Building Materials in the amount of \$2,101.46.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that bid of Maddux Building Materials in the amount of \$2,101.46 be accepted as submitted. A unanimous affirmative vote was recorded.

9b. **BID - APPROVED - ROLL-OFF CONTAINERS - RECYCLING DEPARTMENT - HILL STEEL CORPORATION**

Mayor Bronaugh stated that the next item for consideration was bids for two (2) 40-cubic yard roll-off containers to be used in the Recycling Department.

City Manager Maclin stated that the staff recommendation was to accept the low bid of Hill Steel Corporation in the amount of \$5,530.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that bid of Hill Steel Corporation in the amount of \$5,530 be accepted as submitted. A unanimous affirmative vote was recorded.

9c. **BID - APPROVED - GOOSENECK TRAILER - RECYCLING DEPARTMENT - LEHMAN'S PIPE & STEEL**

Mayor Bronaugh stated that the next item for consideration was bids for a 25' gooseneck trailer to be used in the Recycling Department.

City Manager Maclin stated that the staff recommendation was to accept the low bid of Lehman's Pipe & Steel in the amount of \$5,495.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that bid of Lehman's Pipe & Steel in the amount of \$5,495 be accepted as submitted. A unanimous affirmative vote was recorded.

9d. **BID - APPROVED - FUEL AND LUBRICANTS - POLK OIL COMPANY/OKAY FOOD COMPANY, INC.**

Mayor Bronaugh stated that the next item for consideration was bids for fuel and lubricants to be used in various City departments.

City Manager Maclin stated that this year the bid for fuel and lubricants was split into two categories--fuel for the fleet vehicles for credit card service, and bulk storage where the fuel and lubricants are stored at the warehouse.

City Manager Maclin stated that the staff recommendation was to award the bid for the bulk storage to Polk Oil Company in the amount of \$20,414.70, and the bid for credit card service to Okay Food Company, Inc. in the amount of \$200,130.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that the bid of Polk Oil Company in the amount of \$20,414.70 for fuel and lubricant delivery be approved as submitted. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that the bid of Okay Food Company, Inc. in the amount of \$200,130 for fuel for rolling stock be approved as submitted. A unanimous affirmative vote was recorded.

Commissioner Simond stated that he would like to recognize Sylvester McClain, a leader in the Black community, who was present at tonight's meeting.

10. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 6:32 p.m. to enter into Executive Session. Regular session was reconvened at 7:11 p.m. Mayor Bronaugh stated that the City Commission had discussed appointments to various Boards.

11. APPOINTMENT - APPROVED - CIVIL SERVICE COMMISSION

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Bill Shoop be appointed to the Civil Service Commission for a three-year term. A unanimous affirmative vote was recorded.

12. APPOINTMENT - APPROVED - LAKE EASTEX ADVISORY COMMITTEE


Motion was made by Commissioner Bob Bowman and seconded by Commissioner Larry Kegler that Commissioner Jack Gorden be appointed to the Lake Eastex Advisory Committee to replace Paul Mayberry as the City's representative. A unanimous affirmative vote was recorded.

13. COMMENTS

Commissioner Simond stated that he had suggested several years ago that alleys within the City either be sold or donated to citizens, and he would like to see some action taken on this request. City Manager Maclin stated that he would request that the City Attorney draft some type of document providing a way to dispose of the alleys. (Staff will identify the locations and provide a map of same to the City Attorney.)

Commissioner Simond requested a list of all the employees who take City vehicles home. City Manager Maclin stated that staff has discussed the "take home car policy", and will do some research on the advantages and cost savings of having a car pool, whereby the City employees drive their own cars to work, park them, and drive the City vehicle during the day.

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


Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary