

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
15TH DAY OF DECEMBER, 1998 AT 5:00 P. M.

On the 15th day of December, 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
Kenneth Williams	Director of Public Works

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bettie Kennedy, Pastor, Collins Chapel CME Church.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that minutes of regular meeting of November 17, 1998 and called meeting of November 20, 1998 be approved as presented.

4. **PUBLIC HEARING - PARKS AND RECREATION MASTER PLAN**

Mayor Bronaugh opened Public Hearing to consider the Parks and Recreation Master Plan.

Don Hannabas, Director of Parks and Recreation, stated that in July the Park Board appointed by the City Council met and assisted the Parks Department in the selection of a consultant to update the Master Plan that had been worked on by a Citizen's Committee in the previous year. Mr. Hannabas recognized Park Board members who were present: Peggylu Watkins, Victor Bruce, Hector Rojas, Lela Simmons and Dennis Robertson. Pam Fletcher and Cathy Todd were not present.

Mr. Hannabas stated that several different City departments had been instrumental in gathering information for the Master Plan. Mr. Hannabas stated that the consultant met with the Park Board, they toured the parks, gathered information from the Board, sought direction from staff, management and the Board, and defined standards and prioritized future acquisition and development for Parks and Recreation. Mr. Hannabas stated that Wilbur Smith & Associates had brought the citizens needs, wants and desires together in focus for this Master Plan document. Mr. Hannabas stated that briefly, the document that was distributed to Councilmembers has several sections, which include: Goals and Objections, Inventory of Area Facilities, Needs Assessment and Identification, Plan Implementation and Prioritization of Needs, and Operations and Maintenance Standards.

Mr. Hannabas stated that the Parks Master Plan document should be used by the City

Council, the Parks Advisory Board, the Parks staff, and Parks architects and engineers for future projects as new projects are developed for Lufkin. Mr. Hannabas stated that it should also be used by groups and individuals in the City to guide volunteer efforts and maintenance as the parks and recreation facilities are developed. Mr. Hannabas stated that each group must review the Master Plan as a guideline for their particular area of responsibility so that all segments of the plan will produce the quality of life desired by the citizens.

Councilmember Gorden stated that he appreciated the Parks Advisory Board's hard work, and the Master Plan looked like a great document that will help the City move forward with the parks. Councilmember Jones concurred with Councilmember Gorden.

Mayor Bronaugh closed Public Hearing.

5. PRESENTATION OF CERTIFICATION OF APPRECIATION - DR. RONALD BILLINGS

Mayor Bronaugh presented a Certificate of Appreciation to Dr. Ronald Billings for his outstanding voluntary service as a member of the City of Lufkin Tree Board from 1984 - 1998, and service as Chairman from 1989 to 1998.

Dr. Billings stated the Tree Board had made some significant contributions in the last ten years. Dr. Billings stated that the original program for recycling Christmas trees had been instituted by the Tree Board and later passed on to Angelina Beautiful/Clean. Dr. Billings stated that the Tree Board also held a "Big Tree Contest" several years ago. Dr. Billings stated that the Tree Board is called on a daily basis to make decisions on behalf of the City on whether hazardous trees need to be removed or not. Dr. Billings stated that he appreciated the Certificate of Appreciation.

Mayor Bronaugh stated that City Councilmembers serving on the Tree Board are Betty Jones, Tucker Weems and R. L. Kuykendall.

Mayor Bronaugh stated that the City of Lufkin has been recognized as a Tree City, USA.

6. PROCLAMATION - PANTHER FOOTBALL TEAM

Mayor Bronaugh presented the following Proclamation to Principal Roy Knight and Coach John Outlaw:

"Whereas, The Lufkin Panthers High School Football Team was a finalist in the Region II, Division II of the University Interscholastic League in the High School Football AAAA Classification, and:

Whereas, Your outstanding spirit of dedication, enthusiasm, and hard work has demonstrated your character to overcome insurmountable odds and has been an example for the youth of our community, and;

Whereas, This has been an exciting, hard-fought, and successful football season produced by a great "team effort", and we are proud of the record you have earned and the attention you have brought to our community by our inspired team play; and

Whereas, A special commendation is due all team members, to Coach John Outlaw and his staff, and the Lufkin Independent School District; and

Whereas, we, the Mayor and City Council of the City of Lufkin, would like to honor and convey our heart-felt appreciation and our pride to all football team members, the cheerleaders, the Panther Pride, and the Lufkin Panther High School marching

band for the way you have represented our City.

Now, therefore, I, Louis A. Bronaugh, by virtue of the authority vested in me as Mayor of the City of Lufkin, Texas, and on behalf of our City Council and all our citizens, do hereby extend this expression of pride in your accomplishment and congratulations on a record setting, successful season and do proclaim the 15th day of December of 1998 as PANTHER PRIDE DAY in Lufkin and urge the appropriate recognition thereof.

Mr. Knight stated that Gilbert Fears and Travis Williams, were present on behalf of the team, but also as part of a requirement of their High School government class.

Coach Outlaw stated that as of this date, the Panthers have the largest attended high school play-off game in the State of Texas. Coach Outlaw stated that over 19,000 Lufkinites attended the game.

7. I-69 PRESENTATION - BY-PASS ROUTE - TEXAS HIGHWAY DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was presentation of the US 59 Master Plan for the by-pass route by Tina Walker of the Texas Highway Department and Philip Goodwin.

Tina Walker, Engineer, for TxDOT, stated that she appreciated the opportunity to make a brief presentation of the evaluation process that TxDOT went through to arrive at their selection of the preferred corridor. Ms. Walker stated that the project is being developed with a consulting team led by Parsons Frankerhoff, another national firm, HNTB, two local firms, Barwins Consultants of Nacogdoches and Goodwin-Lasiter of Lufkin, William J. Lyons Associates an appraisal firm helping with the right-of-way estimates, and Aerial Data Services is providing the aerial photography work.

Ms. Walker stated that TxDOT took a new approach with this project, which was a borrowing of a methodology that is used in the major urban areas called the Major Investment Study Approach. Ms. Walker stated that they held 22 civic group meetings between January 13th and April 22 of this year, which were held as public workshop formats rather than their more traditional public meeting presentations. Ms. Walker stated that they also used a newsletter and the web page, which had a lot of interest from people across the state.

Ms. Walker stated that the mission statement that was developed by the study team, and conferred by their advisory committee of local elected officials, was that they were looking to provide a nationally competitive transportation improvement that addresses the short term and long term mobility issues that we are facing in this County. Ms. Walker stated that as a side bar to that, TxDOT now has access to historical traffic maps dating back to 1937, and in reviewing those documents there is a trend where the traffic doubles on US 59 every 20 years. Ms. Walker stated that they are starting to work now to plan to accommodate traffic in 20 years, which they anticipate doubling. Ms. Walker stated that they want to address local and regional needs and comply with all the State and Federal policies and regulations that have to be addressed in order to get the project permitted. Ms. Walker stated that they are trying to achieve consensus among the stakeholders. Ms. Walker stated that stakeholders is a broad term that encompasses the elected officials, the technical committee made up of the City staff, as well as the users of the project and the residents.

Ms. Walker stated that the mission statement was broken down into study goals and from the study goals criteria was developed that they used to measure each of the alternatives. Ms. Walker stated that they started involving their advisory committee in helping them prioritize all the various constraint issues that they have to address as they get down to the documentation, and the six issues that the advisory committee helped them with prioritizing, are the issues that they should

seek to avoid as they go forward and develop alternatives. Ms. Walker stated that the committee then ranked the rest of the constraints they were looking at in October. Ms. Walker stated that what they had after a screening of all the possible alignments, they came down to seven corridors they deemed reasonable and feasible and took those to a public meeting at the end of July, listened to comments, and as a result they added back the segment that went outside the landfill and that effected three alternatives to the east of Lufkin. Ms. Walker stated that they polished the west alignment and the furthest east alignment they were looking at - one, to remove it from a subdivision and the other to remove it from the Carrizo plant. Ms. Walker stated that a segment was added back that the City of Nacogdoches felt very strongly about was the airport. Ms. Walker stated that they broadened the study areas as they crossed the river so that they would have enough room to look at and develop alternatives to allow them to explore a range of opportunities there crossing the river.

Ms. Walker stated that they had to come up with a naming system. Ms. Walker stated that there were 14 continuous alignments and half of them were the base alignments and the other half were combinations. Ms. Walker stated that when they added the segment outside the landfill and tied back to the eastern alignments they came up with the 10-A, the 11-A and the 13-A, which led them to 10 alternatives that they screened. Ms. Walker stated that the measures of effectiveness were derived out of those goals, and criteria was developed that linked back to the mission statement into six different areas. Ms. Walker stated that they separated the natural environment from the manmade environment because chances are an alignment that is good for the natural environment will generally have higher impacts to a manmade environment. Ms. Walker stated that the social and economic were also separated.

Ms. Walker stated that TxDOT took the 10 alignments and ran them through these measures of effectiveness screening to come up with one preferred corridor for further refinement and development. Ms. Walker stated that five alignments were eliminated and they did a ranking of looking at the actual numerical values for the data within each of these categories and ranked them on a 1 - 10 scale. Ms. Walker stated that when they got down to five alternatives they looked at qualitative type issues they would have to consider and they grouped them into the following topics: Building the project in phases (at this time the estimate range is \$419,000,000 to \$685,000,000); Support economic development; Number of homes displaced; Development cost (an aggregate cost looking at construction and right-of-way - the City/and or County will participate in 10% of the right-of-way cost); Efficiency of the traffic movement; Agency acceptance (a broad category, not just the local political organizations, but also the resource agencies such as, the Corps of Engineers, the EPA, and the U. S. Fish & Wildlife).

Ms. Walker stated that alternative 13 was the preferred route. Ms. Walker stated that this route has been published in the newspaper and a more detailed map showing county roads will be published sometime in the near future. Ms. Walker stated that in summary, of the 54 measures of effectiveness that they developed, Corridor 13 was the best for 20, the next best for 10 of these measures, it rated best over all looking at the 54 measures in combination. Ms. Walker stated that it ranked best in three of the four goals. Ms. Walker stated that TxDOT feels that Corridor 13 has the best opportunity for consensus as they had input from the very beginning from their advisory committee, and feel that it will be very competitive for funding because it is the second lowest cost alternative based on the gross estimates that they do at this level of analysis.

Ms. Walker stated that they had their public meetings two weeks ago, and will be accepting comments until this Friday. Ms. Walker stated that there is a lot of misinformation about right-of-way acquisitions, and they will be setting up more neighborhood group meetings to meet with people and help them understand the process that TxDOT will be going through as they get into that phase of the work. Ms. Walker stated that the next phase of the work will begin in January and extend

for about 13 months which will set the specific alignment within that 1500 foot wide corridor and develop the environmental documentation. Ms. Walker stated that they will have another series of public meetings, another three opportunities as they narrow in on this specific alignment to receive more comments. Ms. Walker stated that the environmental documentation and the environmental clearance process will probably take them 15 to 20 months from the time the document is submitted to Austin and the Federal Highway Administration for approval. Ms. Walker stated that the review time by the different resource agencies ranges anywhere from a 30 day to 60 day review allotment. Ms. Walker stated that they have been explaining to people that with all these issues they still have to resolve it will be three to four years before they are ready to start buying right-of-way and the earliest she anticipates that construction will begin is seven years unless something drastic changes at the Federal level. Ms. Walker stated that this is a long term project and implementation will take a number of years unless there is some earmarking of funds at the Federal level to make it happen faster.

Ms. Walker stated that the design effort will be a further refinement and will be the construction documents to get it to letting. Ms. Walker stated that the end of this process in this study will be a production, which is called an engineering schematic, to set the right-of-way footprint, and then the environmental document. Ms. Walker stated that this is where this project will end but then it will pick up with the right-of-way mapping when TxDOT has a better estimate as to when they will start purchasing those funds.

Mayor Bronaugh stated that he wanted to compliment Ms. Walker and her staff on the excellence of planning, and Philip Goodwin and his local engineering firm for the work they have done on this project. Mayor Bronaugh stated that the main thing is that they were sensitive to the needs in a very large emotional project in relocating families.

Mayor Bronaugh stated that all along the I-69 project the Federal transportation funds funded a lot of these studies that were done. Mayor Bronaugh stated that this project was funded by the Texas Department of Transportation solely within their budget. Mayor Bronaugh stated that Ms. Walker and her staff stepped out in front of everybody else in Texas and they are standing ready for when those funds come down from Washington for the building of the highway.

8. ORDINANCE - APPROVED - FIRST READING - DOWNTOWN PARKING

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance amending the Downtown Parking Ordinance.

City Manager Maclin stated that this reflects the last Council meeting when there was a request from the County Judge for consideration of some designated parking spaces for the Sheriff's office, those being on the east and west sides of Second Street, in front of the jail, and three parking spaces on the north side of the jail on Frank Street. City Manager Maclin stated that the draft that is included in the packet includes those locations as well as some other recommendations that come from the Main Street Advisory Committee and the Police Department. City Manager Maclin stated that those include for consistency purposes making the 90 minute parking limit consistent. City Manager Maclin stated that there were a few areas that were two hours and that makes it very difficult for one person to enforce properly. City Manager Maclin stated that the original Ordinance included an accelerating citation for exceeding the parking limits - the first ticket was \$5, the second was \$10 and the third was \$25 within a 365 day period. City Manager Maclin stated that because of the difficulty of record keeping and instantaneously accessing records for enforcement, the recommendation is that it be changed to within a 24 hour period, so that if you got three tickets in one day you would be subject to the higher fines. You would start all over each day. The hours are between 7:30 a.m. and 5:00 p.m. Monday through Saturday.

City Manager Maclin stated that one thing that was inadvertently left off that was in a previous Ordinance is on Third Street from Shepherd down to Charlton, which is on the west side of City Hall, and we need to add that section.

Councilmember Jones stated that on the last part of Section I, it might be more appropriate to say, "The parking attendant shall vary the routine," since it might not always be a "she".

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the Ordinance amending the Downtown Parking Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ZONE CHANGE REQUEST - DENIED - RESIDENTIAL SMALL TO NEIGHBORHOOD RETAIL - E & W SHOP SUBDIVISION - 121 MARTIN LUTHER KING, JR. DRIVE - CARL AND KATHERN YARBROUGH

Mayor Bronaugh stated that the next item for consideration was the request of Carl and Kathern Yarbrough to change the zoning from "Residential Small" to "Neighborhood Retail" on Block 1, Lot 5, of the E & W Shop Subdivision and more commonly known as 121 Martin Luther King, Jr. Drive.

City Manager Maclin stated that included in the Council packet is the memorandum of explanation from the Planning Department along with the request and the responses from individuals who were opposing this zone change. City Manager Maclin stated that this request comes from the Planning & Zoning Commission with a unanimous vote recommending that the zone change be denied. City Manager Maclin stated that it will require six affirmative votes from the City Council to make the zone change in opposition to the recommendation by the Planning & Zoning Commission.

Kathern Yarbrough stated that she was a co-owner of Kathy's Unique Styles and was present to request a zone change from Residential Small to Neighborhood Retail. Ms. Yarbrough stated that she would like to make a difference in the neighborhood and would like to be an encouragement to others in the community. Ms. Yarbrough stated that she was the owner of the property at 121 Martin Luther King, on which she pays taxes. Ms. Yarbrough stated that her shop will be a professional business. Ms. Yarbrough stated that she has spoken to others in the neighborhood and some of the people who signed the petition for denial of the zone change request had changed their minds and had signed a petition in favor of the business. Ms. Yarbrough stated that some of the people did not understand what they were signing on the first petition. Ms. Yarbrough stated that on the petition for denial it states that there will be "unlawful activity" on this property, and she has assured the neighbors that there will be no unlawful activity at 121 MLK. Ms. Yarbrough stated that she wanted to practice the profession that she went to school for, to be able to take care of her children, and to let the black people that live on MLK know that if they have a dream and work hard they too can succeed. Ms. Yarbrough stated that her husband is a pastor and works beside her. Ms. Yarbrough stated that she has kept the lot clean and has assured the neighbors that she will keep up the property and that there will be no loud music. Ms. Yarbrough stated that there will be designated parking and no one will have to park on the street.

City Manager Maclin stated that two of the original petitioners for denial appear now on the approval.

In response to question by Councilmember Jones, Ms. Yarbrough stated that at this time the property is just a vacant lot. Ms. Yarbrough stated that presently she is

located at 116 N. First Street and she will be moving her portable building to the MLK property if the zone change request is approved.

Willie Swindle, who owns Custom Design Beauty Salon at 1314 Sayers, and Loretta Morrison (a customer of Ms. Yarbrough), spoke on behalf of Ms. Yarbrough. Ms. Swindle stated that they were young women trying to stay off of welfare and support themselves. Ms. Morrison stated that Ms. Yarbrough pays taxes on this property and she should have the right to put whatever she wanted to put on the property as long as it is not detrimental to the community. Ms. Morrison stated that Ms. Yarbrough has stated that she is trying to make a difference for her children as well as the black community.

Bobbi Whitehead, who lives at 327 MLK, stated that she was present to represent some of the residents on MLK and on adjacent streets in the neighborhood. Ms. Whitehead stated that she had brought a petition signed by 28 of the residents (the original petition had nine signatures) in opposition to the request. Ms. Whitehead stated that the residents were very concerned, not with a beauty shop, but with the change that that requires. Ms. Whitehead stated that they were concerned about the uncertainty of the future in that area. Ms. Whitehead stated that the residents were not opposed to business or progress, but what they were opposed to is putting a business in the middle of a residential area where they live. Ms. Whitehead stated that the foresight that the Planning Department and the Planning & Zoning Commission showed is what she would urge the City Council to consider. Ms. Whitehead stated that the majority of people who live on MLK and the adjacent area are retired people who have no intention and no resources to relocate.

Carl Yarbrough stated that Ms. Whitehead is not a property owner on MLK. Mr. Yarbrough stated that before MLK looked as beautiful as it looks now, they purchased the property not knowing that it would look like it does today. Mr. Yarbrough stated that he had faith in the City Council that they would not open the neighborhood up for any and all types of businesses. Mr. Yarbrough stated that, in his opinion, there was a lot of misrepresentation at the Planning & Zoning Commission meeting as to what type of business they would have on this property since it was being portrayed as "Commercial".

Mr. Yarbrough stated that he is a taxpayer, grew up in Lufkin, and has an interest in the City.

Councilmember Boyd stated that by changing just one lot according to the Comprehensive Plan, that will be considered "spot zoning" and that is not allowed by the State or the Federal Government. Councilmember Boyd stated that changing the whole block would be permissible, but it would open up the neighborhood for all types of activity.

City Manager Maclin stated that the City has a Comprehensive Plan that sets the zoning classifications for neighborhoods. City Manager Maclin stated that the first step would be to amend the Comprehensive Plan to a new land use designation before a zone change is requested. City Manager Maclin stated that the second step is that if the whole neighborhood wants to go to a different zone classification or a transition, typically you try to transition gradually. City Manager Maclin stated that what Mr. Boyd is pointing out in terms of "spot zoning" is that when you take one lot in the middle of a zoning classification and try to change that one lot, there have been Federal law suits and cases that say that this cannot be done legally.

City Manager Maclin stated that the State law has a protection built in that when the Planning & Zoning Commission, in this case, rules for denial, then to overrule the Planning & Zoning Commission the City Council would have to have six out of seven affirmative votes.

Councilmember Kuykendall stated that he wanted to say to Ms. Whitehead that if

the request comes as a desired request there are 23 other activities that could be placed in that particular area, i.e, automobile filling station, medical clinic, coffee shop, florist, gift or card shop, laundry. Ms. Yarbrough stated that there has been a grocery store on MLK years ago, and recently there has been a beauty shop in a house. City Manager Maclin stated that there are no controls the City could put on Ms. Yarbrough to keep her from selling her lot or keep her from changing to one of the other classifications within Neighborhood Retail. Ms. Yarbrough stated that she has no intention of ever doing that.

Ms. Yarbrough stated that if the Comprehensive Plan needed to be amended to change the zoning for the whole block, then she was interested in doing that. City Manager Maclin stated that Ms. Yarbrough would have to seek the cooperation of all the adjacent property owners to go in with her on the zone change.

Ms. Whitehead stated that would like to make a clarification. Ms. Whitehead stated that it had been stated that she did not own property on Martin Luther King and her mother was a previous owner of the property that is being considered for the zone change, which was sold to Mr. Yarbrough several years ago. Ms. Whitehead stated that there are also three other pieces of property on MLK and three pieces of property on Birch Street all owned by her mother, Candace Beamon, and she was the legal guardian, and that gives her the right to speak on her behalf. Ms. Whitehead stated that when she speaks, according to the Court Order making her the legal guardian for her mother, then that makes her a property owner.

Lela Simmons stated that she did not live on MLK, but she was opposed to the change because it was one of the oldest black residential areas in Lufkin.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the request of Carl and Kathern Yarbrough to change the zoning from "Residential Small" to "Neighborhood Retail" on Block 1, Lot 5 of the E & W Shop Subdivision and more commonly known as 121 Martin Luther King, Jr. Drive be denied as recommended by the Planning & Zoning Commission. The following vote was recorded:

Aye: Councilmembers Boyd, Jones, Gorden, Weems, Kuykendall and Mayor Bronaugh

Nay: Councilmember Bowman

Motion for denial carried with six affirmative votes.

10. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL (LOCAL BUSINESS) - C. H. McCLUNG SURVEY - LOOP 287 - HARMONY HILL DRIVE - BURKE CENTER - S & W QUALITY BODY REPAIRS - TONY PERRY - EVELYN PERRY CLARKE

Mayor Bronaugh stated that the next item for consideration was the request of Tony Perry, on behalf of Evelyn Perry Clarke, to change the zoning from "Residential Large" to "Commercial" on a 6.26 tract out of the C. H. McClung Survey (Abstract No. 474) and being approximately 300 feet south of the Loop 287 right-of-way and 950 feet north of the Harmony Hill Drive right-of-way and being situated between the Burke Center and S & W Quality Body Repairs.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department that refers to the Comprehensive Plan and indicates that they believe that a Local Business designation would be appropriate and more consistent with the patterns of that area than a Commercial designation. City Manager Maclin stated the Planning & Zoning Commission by unanimous vote recommends the zone change be to a Local Business District as opposed to a Commercial District as was originally requested.

Tony Perry stated that the reason that he had requested a Commercial District was so

that there would not be a requirement for a sight bearing fence because at that time the Local Business designation required a sight bearing fence. Mr. Perry stated that if he has enough foliage and vegetation between whatever may go in at this location and the residential property so that he cannot see through there, he would much rather see the foliage than a sight bearing fence. Mr. Perry stated that between the time that he filed for the zone change request and the time of the Planning & Zoning meeting there was a change in the Zoning Ordinance so that an opaque screening device now is acceptable for Local Business, which means that if there are enough trees and foliage so that you cannot see through the property, it is now O.K. Mr. Perry stated that the Local Business designation is his preference.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the Ordinance to change the zoning from "Residential Large" to "Local Business " on a 6.26 tract out of the C. H. McClung Survey (Abstract No. 474) and being approximately 300 feet south of the Loop 287 right-of-way and 950 feet north of the Harmony Hill Drive right-of-way and being situated between the Burke Center and S & W Quality Body Repairs be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - AMENDING TIME PERIODS AND LOCATIONS - SCHOOL ZONE OR CROSSINGS

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance amending time periods and locations of all school zones or crossings within the City of Lufkin.

City Manager Maclin stated that included in the Council packet is a letter of explanation from Joe Pitman the Traffic Section Supervisor of the Lufkin District of TxDOT, along with an Ordinance. City Manager Maclin stated that this is in relationship to an upgrading of the signalization system at the intersection of Kurth Drive and MLK Drive. City Manager Maclin stated that TxDOT will be making these changes as they tie in the new portions of MLK to Kurth Drive and staff would seek these new speed limit classifications and time frames at the request of TxDOT to be apart of the local Ordinance for enforcement.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the Ordinance amending time periods and locations of all school zones or crossings within the City of Lufkin be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - I-69 BY-PASS ROUTE

Mayor Bronaugh stated that the next item for consideration was a Resolution in support of the I-69 by-pass route.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that the Resolution in support of the I-69 by-pass route be approved as presented. A unanimous affirmative vote was recorded.

13. RESOLUTION - APPROVED - PARKS AND RECREATION MASTER PLAN

Mayor Bronaugh stated that the next item for consideration was a Resolution for the Parks and Recreation Master Plan.

City Manager Maclin stated that included in the Council packet is a Resolution to be included with the Master Plan document.

Don Hannabas, Director of Parks and Recreation, stated that after approval by Texas Parks and Wildlife, any revisions to the plan that they deem necessary will be made by the Advisory Board. Mr. Hannabas stated that at that point it would be the desire of the Park Advisory Board to move forth with the application of a grant to

Texas Parks and Wildlife. Mr. Hannabas stated that the Board has a five year criteria as shown in Section 7-4, and any one of those projects could be selected, but the top priority project that would receive the most points on the scoring system would be the initial development of Kit McConnico Park.

In response to a question by Councilmember Jones, Mr. Hannabas stated that there are some improvements for lighted softball fields for the girl's complex, lighted parking lots, restroom facilities at Morris Frank Park, and later there is soccer concession which will be moved to Kit McConnico. Councilmember Jones stated that she did not see any consideration given to the boy's softball fields. Councilmember Jones stated that with the growth of the City those fields are pretty heavily used and she would think that there would be a need for improvements to these fields. City Manager Maclin stated that, in his opinion, that would become more of a priority once soccer is relocated, because at this time there isn't enough room to expand right now. City Manager Maclin stated that when what they ranked as the number one priority is approved and a new soccer complex is developed at Kit McConnico, then that will open up that space, and at that time the baseball association will probably come to the Parks Advisory Board and ask for some consideration there. Mr. Hannabas stated that in 1978 when Morris Frank Park was developed, there was room in the park to take the existing five field complex that was built and flip it over and build it again where the soccer fields are currently located.

Councilmember Jones asked if the maintenance standard requirements would be the same for the League Associations as they are imposed on the City staff for maintaining City parks. Mr. Hannabas stated that one of the things the Advisory Board would be looking at is the development of agreements with all the different groups that use the City park facilities.

In response to a question by Councilmember Gorden, Mr. Hannabas stated that the Texas Parks & Wildlife requires a review of the Master Plan process every two years. City Manager Maclin stated that when the Master Plan is updated, it is resubmitted and that becomes the new priorities. Mr. Hannabas stated that several items have already been accomplished on the original citizen's Master Plan, and they are updated with this document.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that the Resolution for the Parks and Recreation Master Plan be approved as presented. A unanimous affirmative vote was recorded.

14. RESOLUTION - APPROVED - GRANT APPLICATION - TEXAS WATER DEVELOPMENT BOARD

Mayor Bronaugh stated that the next item for consideration was a grant application to the Texas Water Development Board.

City Manager Maclin stated that this is a Resolution in support of an application that will help provide funding to complete the last phase of the Master Drainage Study for the entire City limits drainage area. City Manager Maclin stated that this will include One Eye, Biloxi and Shirley Creek, the last three creeks which are not predominantly inside the City limits but they do have influences in the northeast section of our community. City Manager Maclin stated that matching funds had been included in the Engineering budget in hopes that the City will receive these State funds to make the local dollar go further.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that the Resolution for a grant application to the Texas Water Development Board be approved as presented. A unanimous affirmative vote was recorded.

15. RESOLUTION - APPROVED - HOME RENTAL PROJECT - TEXAS

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS HOME INVESTMENT PARTNERSHIPS PROGRAM - PINEYWOODS HOME TEAM

Mayor Bronaugh stated that the next item for consideration was a Resolution to support the proposed rental housing project submitted to the Texas Department of Housing and Community Affairs HOME Investment Partnerships Program (TDHCA) by the Pineywoods HOME Team.

James Hager, Asst. City Manager, stated that the request is actually confirmation by the City that they support this effort. Mr. Hager stated that there are ten rental facilities the Pineywoods Home Team plans to build; five of them will be ADA or special needs compliant, and the other five will be available to qualifying individuals. Mr. Hager stated that the designs of the homes were included in the packet information.

Doug Dowler stated that the Pineywoods Home Team in partnership with the Consumer Controlled Housing Coalition, a non-profit group which addresses housing needs for persons with special needs working under the Enterprise Foundation in the State of Texas, wanted to bring about some sort of education and promotion to the development industry of what a universal design house is and how that design can be used in today's residential construction. Mr. Dowler stated that a universal design house is nothing different than a normal house, but it does take into consideration those needs of people who may have a special need. Mr. Dowler stated that these houses have wider hallways and wider doors.

Mr. Dowler stated that the Pineywoods HOME Team and Consumer Controlled Housing Coalition applied for and did receive a grant from the Enterprise Foundation for the development of these plans. Mr. Dowler stated that the four different house plans all have three bedrooms and one four bedroom design, ranging from 1,400 SF to 1,800 SF. Mr. Dowler stated that the objective is to design homes for families. Mr. Dowler stated that these plans will now be made available to any developer, builder, realtor throughout the State of Texas, or anywhere in the nation. Mr. Dowler stated that as part of that project, they also had funding from the Enterprise Foundation for the development of a demonstration house. Mr. Dowler stated that a demonstration house will be constructed on a site in Nacogdoches. Mr. Dowler stated that building on the initial demonstration project, the Pineywoods HOME Team elected to develop a rental project. Mr. Dowler stated that in the rental project they hope to construct 20 single family homes, 10 of which will be in Lufkin and 10 in Nacogdoches. Mr. Dowler stated that five of these 10 homes will be set aside only for people with special needs.

Mr. Dowler stated that the Pineywoods HOME Team is making an application to the Texas Department of Housing and Community Affairs for approximately \$1.7 million to develop these 20 houses in the two cities. Mr. Dowler stated that the Resolution he is asking Council to approve is simply a statement from the community that they support this type of project and support housing for the community and that they support the Pineywoods HOME Team in its efforts to bring about affordable, safe, clean and accessible housing.

In response to question by Councilmember Jones, Mr. Dowler stated that the lots will be 50' x 100'. Councilmember Jones stated that there has been a lot of development in this area and the drainage has been a problem. Councilmember Jones stated that she would like to encourage the City as these developments occur to consider these streets as far as drainage is concerned.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the Resolution to support the proposed rental housing project submitted to the Texas Department of Housing and Community Affairs HOME Investment Partnerships Program (TDHCA) by the Pineywoods HOME Team be approved as presented. A unanimous affirmative vote was recorded.

16. CONTRACT - APPROVED - TLL TEMPLE FOUNDATION - SHORT TERM LOAN - ANIMAL CONTROL FACILITY CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was a contract with the TLL Temple Foundation for a short term loan for the construction of the Animal Control facility.

City Manager Maclin stated that this is actually a promissory note that was prepared by the City Attorney. City Manager Maclin stated that the Temple Foundation has agreed to provide a short term loan to underwrite the cost of the new Animal Control facility. City Manager Maclin stated that the loan will ultimately be paid by contributions from the Kurth Foundation, which will be easily paid within the five year time period as noted in the Promissory Note, and if approved by Council then each year the note payment would be considered within the budget process and those funds would come from the Kurth monies the City receives each year. City Manager Maclin stated that in order for the City to make this agreement with the Temple Foundation and meet all the State statutes that this Promissory Note is the preferred vehicle to provide that accommodation.

City Attorney Flournoy stated that because of the State limitation on borrowing by the City, we are limited to doing that through Certificates of Obligation or Bonds, any other obligations the City has must not extend beyond one year during the fiscal year. Mr. Flournoy stated that there is a provision in the Note that if any subsequent Council failed for whatever reason to appropriate the funds during that year to pay the annual payment, then this entire note would be due and payable at that time.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that the contract with TLL Temple Foundation for a short term loan for the construction of the Animal Control facility be approved as presented. A unanimous affirmative vote was recorded.

17. AMENDMENT TO SITE PLAN - APPROVED - SOUTHLOOP CROSSING - LOOP 287

Mayor Bronaugh stated that the next item for consideration was a request to amend the site plan for Southloop Crossing to permit pylons on four out parcels fronting on Loop 287.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department and they are recommending the request for four additional pylon signs be denied. City Manager Maclin stated that the Planning & Zoning Commission met yesterday and by a 6 to 1 vote they recommend that the site plan be amended to allow two additional multiple tenant pylon signs along with a monument sign for each out parcel. City Manager Maclin stated that the maximum dimensions for the pylon signs are 40' in height and 250 SF in area and each monument sign is limited to 8' in height and 100 SF in area. City Manager Maclin stated that the memo from the Planning Department also noted three issues that were raised at the Planning and Zoning Commission meeting: (1) Limiting the ability of the tenants at this location to have individual pylon signs is inequitable since this limitation applies only because the location is part of a shopping center that is three acres or more in size. (2) The applicant was unaware of the limitation on signs at this location and would not have purchased the property if the limitation had been known. (3) Many national retailers will be unwilling to locate in Lufkin if they are unable to erect signs that they feel are necessary.

Jeff Chance of the Zelesky Law Firm was present to represent this request on behalf of Schlowsky's.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that request to amend the site plan for Southloop Crossing to permit pylons on four out parcels fronting on Loop 287 be approved as presented. A unanimous affirmative vote was recorded.

18. BID - APPROVED - GROUND STORAGE WATER TANK #4 REHABILITATION - TANDEM SERVICES, INC.

Mayor Bronaugh stated that the next item for consideration was the award of a bid for the rehabilitation of ground storage water tank #4.

City Manager Maclin stated that included in the Council packet is the memorandum of explanation from the City Engineer along with the bid tabulation. City Manager Maclin stated that the staff recommendation is to award the low bid from Tandem Services, Inc. in the amount of \$92,600 for the base bid and \$3,000 for the alternate bid for an aeration tower.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the bid from Tandem Services, Inc. in the amount of \$92,600 for the rehabilitation of ground storage water tank #4, and \$3,000 for the aeration tower be approved as submitted. A unanimous affirmative vote was recorded.

19. BID - APPROVED - CAUTION LIGHT - DENMAN - ANGELINA STREET - STRIPLING TECHNOLOGY

Mayor Bronaugh stated that the next item for consideration was bids for a caution light at the corner of Denman and Angelina Streets.

City Manager Maclin stated that included in the Council packet is a letter of explanation from the Director of Public Works along with a bid tabulation. City Manager Maclin stated that the staff recommendation is to award the low bid from Stripling Technology in the amount of \$27,763. City Manager Maclin stated that there is some compensation from the insurance company of the motorist who knocked down the pole, but unfortunately the City could not put back a signal system that does not meet State requirements. City Manager Maclin stated that this is one of the few locations in the City that the City owns the traffic signal.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that the bid from Stripling Technology in the amount of \$27,763 for a caution light at the corner of Denman and Angelina Streets be approved as submitted. A unanimous affirmative vote was recorded.

20. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:58 p.m. to enter into Executive Session. Regular Session reconvened at 7:24 p.m. and Mayor Bronaugh stated that legal matters and personnel evaluations had been discussed, and that no decisions were made.

21. COMMENTS

Mayor Bronaugh stated that Memorial Hospital of East Texas will hold a dedication service on Thursday and he would appreciate the attendance of all Councilmembers.

Councilmember Boyd stated that Thursday is also the DETCOG Christmas party and committee meetings.


22. There being no further business for consideration, meeting adjourned at 7:25

p.m.



Louis A. Bronaugh
Mayor

ATTEST:


Atha Stokes Martin
Atha Stokes Martin - City Secretary