

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
1ST DAY OF APRIL, 1997 AT 5:00 P. M.**

On the 1st day of April, 1997 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
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth R. Williams	Public Works Director

being present, and

Percy Simond	Councilmember, Ward No. 1
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Joel Nabors, Pastor, Glad Tidings Assembly of God Church.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of March 18, 1997 be approved as presented. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - ANNEXATION - WHITE HOUSE DRIVE - BRENTWOOD DRIVE - CHESTNUT STREET**

Mayor Bronaugh opened Public Hearing to consider the request to annex approximately 428 acres of land generally located south of White House Drive, north and east of Brentwood Drive, and west of Chestnut Street (Highway 58).

Mayor Bronaugh stated that he had a list of those residents who have indicated that they would like to speak, and he would request that those people keep their comments to 2 to 3 minutes.

Mayor Bronaugh recognized Dr. John Rudis. Dr. Rudis stated that he is a family practitioner in Lufkin, and had resided here for approximately eight years. Dr. Rudis stated that he currently owns a home in Crown Colony and had purchased some land on Brentwood with the intent of eventually building a house and moving there. Dr. Rudis stated that one of the reasons he chose Brentwood is because of his profession he has to live within a certain distance of the hospital. Dr. Rudis stated that the other consideration he had was that he wanted to be able to have a country life outside the City limits where he would be able to have horses for his wife and son. Dr. Rudis stated that his son is 16 months old and he wanted him to enjoy a country life. Dr. Rudis stated that he had a choice of buying in Crown

Colony or Brookhollow, but he elected to buy the property on Brentwood. Dr. Rudis stated that Mr. Maclin commented in the paper today after the amenities the City offers. It is the general consensus of the people living in this proposed area that they all understand that and have all chosen to buy property and live in this area knowing what the amenities were. Dr. Rudis stated that a comment was made about City sewer and this is an important issue to him because his house site will be approximately 600' from the road frontage and it will cost him approximately 1 1/2 times to 2 times the amount to put in a lift station because his property drops 10' for every 300' (a 20' drop). Dr. Rudis stated that if the lift station fails he will have no electricity and for the period of time that the electricity is out he will have no sewer and any backup will go directly on the ground. Dr. Rudis stated that he had talked to Oliver Plumbing and they were the ones that told him about the lift station. Dr. Rudis stated that the septic system he is looking at is a top of the line septic system; it recycles the water and he can broadcast the water onto his yard and save the City water from that aspect, being economically safe. Dr. Rudis stated that as far as the garbage pickup, it may be a little more inconvenient but he will still have to carry it up to the road and someone will have to pick it up. Dr. Rudis stated that living out there (on Brentwood), there is no advantage to being annexed. Dr. Rudis stated that he had a hard time understanding that if 99% of the people in this area of annexation do not want to be annexed and it is not of a strategic location for the City, or there it is not a significant help for the City, why should we go forward with this. Dr. Rudis stated that he did not have a problem with the original 64 acres that is being proposed for annexation; it would not affect him. Dr. Rudis stated that he would just like to have his property to himself for the uses he intended and for what he has worked so hard for.

Charles Perry stated that he wanted to say that he was appalled by what Mr. Maclin said in the newspaper. Mr. Perry stated that Mr. Maclin had taken it on himself to say what is best (for the residents in this area) without asking them. Mr. Perry stated that it is uncontroverted about what was said in the paper. Mr. Perry stated that it just like a bureaucrat to take it on themselves and do what is best for the people. Mr. Perry stated that you see this in Washington, D. C. all the time, and he is not for that. Mr. Perry stated that he also lives off the road a ways and would have to have a lift station, and he does not think that is conducive to property values. Mr. Perry stated that there are hills all up and down the road. Mr. Perry stated that there are other areas in this City that are surrounded by three sides and have not been annexed. Mr. Perry stated that he got a map from the Chamber of Commerce and there is a mired of places that are surrounded on three sides that have not been annexed. Mr. Perry asked if these areas were next to be annexed or were they "off limits". Mr. Perry stated that one good example is property at the papermill. Mr. Perry stated that he was worried that the City Commission is not taking the residents seriously, that maybe this is a "done deal". Mr. Perry began asking Councilmembers if they would vote against this proposal as proposed. Mayor Bronaugh stated that this is a Public Hearing and it is not the time to take a vote. City Manager Maclin stated that the annexation request would go next to the Planning & Zoning Commission and Mr. Perry as a property owner would be given an opportunity to provide his input as to what zoning classification he would like the property placed under if the City does indeed annex the property. City Manager Maclin stated that the request will not come back to City Council until the first meeting in May.

Mr. Perry stated that he remembered the Mayor saying one time that he did not annex people who did not want to be annexed. Mayor Bronaugh stated that he remembered saying that the City in the past has annexed those people requesting annexation. Mr. Perry stated that he and the other residents are not requesting annexation.

Mr. Perry asked that everyone who was opposed to the annexation to stand. There were approximately 15 people who stood.

Leslie O'Neal stated that she would like to echo the sentiments heard today. Mrs.

O'Neal stated that all of the residents were infuriated by the comments made by Mr. Maclin in the newspaper today. Mrs. O'Neal stated that if this is a "done deal", and you say its not, and its inevitable that they are going to be annexed, then the Council should honestly tell the residents. Mrs. O'Neal stated that every other reason that was in the paper for annexation, as far as she is concerned, is false. Mrs. O'Neal stated that Mr. Maclin stated that the sewer costs would be lower in the long run, but not if you factor in the cost of the two septic systems she has already paid for, and she does not believe that the City will reimburse her for the two systems. Mrs. O'Neal stated that her property is located approximately a quarter of a mile from the street, it is down hill, and the City will have to put in a substation, and will have to tear up her yard to put in the substation and probably part of her house. Mrs. O'Neal stated that she will probably have to re-landscape and she does not believe that the City will pay for that, but will expect her to pickup the cost, and then will bill her monthly for the sewerage costs. Mrs. O'Neal stated that she is on City water, but not by her choice, she had been on Burke water and the two cities traded property to be more efficient. Mrs. O'Neal stated that this is not a reason for annexation, she did not have a choice in the decision. Mrs. O'Neal stated that, in her opinion, the Sheriff's Department is doing a good job. Mrs. O'Neal stated that as far as input in zoning, how much input are the residents having on the annexation, if it is a "done deal" and they are annexed, she does not get a vote, only the Council. Mrs. O'Neal stated that she wanted the Council to know that the residents are very irate because they did not ask for the annexation, and because they do not have a choice. Mrs. O'Neal stated that as far as zoning, grandfathering existing uses is nice, but Council cannot grandfather her right to do whatever she wants with her property now and in the future, which is what she has now. Mrs. O'Neal stated that Council will not be helping her but will be hurting her and charging her for the process, and she did not like it.

Dennis Caldwell, Mrs. O'Neal's husband, stated that he lived in Crown Colony for 10 years before moving to their Brentwood property. Mr. Caldwell stated that they had moved intentionally from Crown Colony with the belief that they were moving "out to the country." Mr. Caldwell stated that he paid more money for the property on Brentwood than all the other properties they looked at of the same size anywhere in Lufkin. Mr. Caldwell stated that his property is approximately 30' below grade so they will have to pay for a lift station also. Mr. Caldwell stated that it is this kind of costs that upsets him, and also the change in venue of the property that they went out and sought. Mr. Caldwell stated that he still owns property in Crown Colony and is familiar with City services. Mr. Caldwell stated that he wanted to express that he is disappointed about the annexation and that the residents would like to be heard in that regard.

Judy Perry stated that in the paper today it was quoted that their taxes would not increase. Mrs. Perry stated that she and her husband own 34 acres and had talked to the Appraisal District and were told that if they were annexed their taxes would go up at least \$1,500 more dollars a year, which will cause her house note to go up over \$100 a month. Mrs. Perry presented a petition to the Mayor of those people who were opposed to the annexation, which represented 180 acres of the 400 proposed acres.

Joe Molandes stated that the newspaper referred to the "grandfather act" and that everything would stay like it is; would this also mean that they would continue to use their existing sewer systems. Mayor Bronaugh stated that if Mr. Molandes owned a business it would be grandfathered in as the business as it exists; as a residence it will continue as "Residential Large", or as it is zoned, and there will be no change in that zone. Mayor Bronaugh stated that if the property is annexed, then he (Mr. Molandes) would be required to attach to the water and sewer. Mayor Bronaugh stated that Mr. Molandes would not be able to use his existing sewer system. Mr. Molandes stated that if the City annexes his property his taxes will go up \$157 more.

In response to question by Mr. Molandes, City Manager Maclin stated that he would

have the opportunity to tell the Planning & Zoning Commission the zoning classification he would like to have for his property. Mr. Molandes stated that the Council will probably annex them in, but he wanted to go on record that he was opposed to the annexation. Mr. Molandes stated that it will surprise everybody if the annexation does not go through.

Bob Anderson stated that he and his wife and family have lived on Brentwood for a long time and enjoy it the way it is, and opposes the annexation. Mr. Anderson stated that he feels that his services and amenities are fine the way they are. Mr. Anderson stated that he is privileged to pay plenty of City taxes for other businesses and property he owns in Lufkin.

Marceille Pauling stated that she and her children own 28.89 acres of timberland, with no home or dwelling on the property. Mrs. Pauling stated that she is opposed to the annexation. Mrs. Pauling stated that all of Brentwood seems to be opposed and she did not understand why the property would be annexed with so many people in opposition. Mrs. Pauling stated that Mr. Shirley had called and asked for an easement across her property and she was not in agreement because her property is not that wide. Mrs. Pauling stated that she feels like what is happening is that the annexation will allow access to Brentwood and probably to the school. Mrs. Pauling stated that she did not see why she should devalue her property for other people to profit by the annexation. Mrs. Pauling stated that she did not believe that the residents had a problem with sanitation.

B. J. Parker stated that he would not say anything because if the Council did not listen to all the others (who spoke) they surely would not listen to him.

Les Leach stated that he owned two acres of property on FM 58 in the Oak Trace Subdivision and he was for the annexation. Mr. Leach stated that he bought in this area because it is in the country and specifically because it did have City services. Mr. Leach stated that, in his opinion, under the expert leadership of the Mayor and City Councilmembers and the City Manager, we have seen great progress. Mr. Leach stated that he is a native Lufkinite and for years he wondered if he would ever see any progress in Lufkin. Mr. Leach stated that the City of Lufkin is seeing great commercial development and expansion of residential areas as well. Mr. Leach stated that he is elated that the City wants to move forward with progress; with progress you have to annex and with progress you have to pay taxes, which lets citizens enjoy fire and police protection. Mr. Leach stated that, in his opinion, the best thing he could have done is to buy a piece of property that has the potential of being zoned Commercial. Mr. Leach stated that residential acreage on FM 58 is \$17-18,000 an acreage, which is what he paid, and this is with City services. Mr. Leach stated that without City services his property would not be this valuable. Mr. Leach stated that to be annexed and enjoy the protection the City affords you as well as the increased value to people who own large tracts makes good sense. Mr. Leach stated that progress creates change, which no one enjoys. Mr. Leach stated that he appreciated the opportunity to present his views to Council in favor of the annexation.

Randy Blakestead stated that he lived at 702 Brentwood and owns 14 acres. Mr. Blakestead stated that he moved out to this property to live in the country and did not want City water or sewer. Mr. Blakestead stated that if he has to put in City sewer in it will be up hill and cost him approximately \$600-700, and right now he does not have that kind of money. Mr. Blakestead stated that he wanted to go on record as being opposed to the annexation.

Dr. Michael Arnold stated that he lives off of Platt Road and is against the annexation. Dr. Arnold stated that he did not think his property values will increase because he will be annexed by the City, his property values are going up and will continue to go up. Dr. Arnold stated that he would like for the Council to consider voting against the annexation if they would.

Charles Murdock who lives at 401 White House Drive stated that the new Tulane will line up in front of his house. Mr. Murdock stated that he had a problem with all of the conveniences that the City is offering these residents. Mr. Murdock stated that he lives inside the City and he is not afforded these conveniences. Mr. Murdock stated that he had been to the City on several occasions and he is still not happy with the promises that he has received as far as protection from the Police. Mr. Murdock stated that the average speed in front of his house is still 42 mph in a 30 mph zone. Mr. Murdock stated that the City did not have Policemen for him, so how would the City have Police for the newly annexed area. Mr. Murdock stated that he is very disappointed in the City services and protection.

Rick Jacobs stated that he would like to ask what someone would do if they were not financially able to tie onto the City sewer. City Manager Maclin stated that residents could be put on a payment plan. Mr. Jacobs stated that he would like to go on record as being opposed to the annexation. Mr. Jacobs stated that he paid a premium for his property when he bought it.

In response to question by Mayor Bronaugh, City Manager Maclin stated that each individual location based on the topography will be different for the sewer connection and relation to the City's existing main. Keith Wright, City Engineer, stated that he looked at topo maps in the area and sewer routing and there was only one house on Brentwood he was concerned about getting on the sewer system. Mr. Wright stated that there are also sewer lines coming along the back side of that area which could be served from this direction, if necessary, without lift stations.

City Manager Maclin stated that he would like to make one clarification. City Manager Maclin stated that he certainly recognized that a lot of people said that today's paper infuriated them and his intent was not to infuriate anyone but to answer Mr. Black's questions. City Manager Maclin stated that Mr. Black called him Saturday afternoon and asked him some general questions about annexation of this area and he was only providing direct answers to his questions. City Manager Maclin stated that his answers were in no way intended to infuriate anyone or do anything but provide answers, which his job includes, to Mr. Black's questions.

City Manager Maclin stated that the statement about him saying in the paper that taxes would not go up was not his quote, his quote was that if a resident has an agricultural exemption currently that bringing the property into the City limits would not alter their agricultural exemption. City Manager Maclin stated that this was the only statement he made to the press about taxes. City Manager Maclin stated that anyone having questions could submit them in writing to the staff and staff will submit an answer in writing.

In response to question by Councilmember Bowman, City Manager Maclin stated that currently the City is only providing water to residents in this area. City Manager Maclin stated that technically the City does make fire runs within the ETJ. Mayor Bronaugh stated that ambulance service is also provided. City Manager Maclin stated that police protection would only be provided if the Sheriff's office called for assistance.

Mayor Bronaugh stated that he had been on the Council for 14 years and he did not recall the Council ever not listening to people. Mayor Bronaugh stated that in Austin now there is legislation regarding annexation. Mayor Bronaugh stated that anyone who buys on the south side of town is buying into an area that the growth is going to be moving to.

Mayor Bronaugh closed Public Hearing.

5. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - APARTMENT TO MANUFACTURED DWELLING - LOTUS LANE VILLAGE ADDITION - 2300 LOTUS LANE - GERALDINE BRADFORD - FRED WALKER

Mayor Bronaugh stated that the next item for consideration as the request of Geraldine Bradford on behalf of Fred Walker for a zone change from "A" Apartment to "MD" Manufactured Dwelling district on Lots 1 through 5 and Lots 16 through 18 of the Lotus Lane Village Addition generally located at 2902 through 2706 and 2402 through 2300 Lotus Lane.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department that provides an explanation and description of this request. City Manager Maclin stated that the Planning & Zoning Commission, by unanimous vote with one Commissioner abstaining, recommends approval of the zone change. City Manager Maclin stated that he did need to point out that including a letter of opposition staff received yesterday, the 20% opposition rule is in effect, which means that to approve this zone change request will require six affirmative votes by Council today. City Manager Maclin stated that when you have 20% opposition predicated on the property in the surrounding area State law requires a 4/5ths majority of City Council vote.

Philip Goodwin stated that he was present representing Fred Walker on this zone change request. Mr. Goodwin stated that at the last Planning & Zoning Commission meeting this request was presented and it was approved. Mr. Goodwin stated that the present zoning for this land is Apartment, and the request is to change the zoning to Manufactured Dwelling District, which by the City policy is a controlled development which in effect for this property would result in a lower density development. Mr. Goodwin stated that there would also be controlled access, the present layout of the subdivision would allow for approximately 12 or 13 separate driveways on to Lotus Lane. Mr. Goodwin stated that the access for this subdivision would be required to have only two streets that will enter the subdivision. Mr. Goodwin stated that all lots in the subdivision will have to access internally within the subdivision, thereby enhancing the safety of Lotus Lane. Mr. Goodwin stated that one of the issues brought up in Planning & Zoning was a concern over drainage since this is in the Cedar Creek watershed. Mr. Goodwin stated that he is presently studying this undeveloped land, which will be developed, and they will do everything the City requires to alleviate the drainage off of this site. Mr. Goodwin stated that it may take a retention basin, or just some controlled drainage on site. Mr. Goodwin stated that the development will be an aesthetically pleasing development in that there will be deed restrictions at a minimum of what the City would require (skirting, tie downs, and Building Code requirements). Mr. Goodwin stated that they will also have some community facilities, a park and a playground for the residents of this area. Mr. Goodwin stated that the proposed development will be an asset to the City.

In response to question by Councilmember Weems, Mr. Goodwin stated that lots 7, 8, 9, 10 and 11 are presently undeveloped lots. Mr. Goodwin stated that the original intent was to include five of the undeveloped lots, but the owner graciously agreed to hold the lots back and sell them to Habitat for Humanity.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance for a zone change from "A" Apartment to "MD" Manufactured Dwelling district on Lots 1 through 5 and Lots 16 through 18 of the Lotus Lane Village Addition generally located at 2902 through 2706 and 2402 through 2300 Lotus Lane as requested by Geraldine Bradford on behalf of Fred Walker be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - TABLED - FIRST READING - ZONE CHANGE - CENTRAL BUSINESS TO CENTRAL BUSINESS, SPECIAL USE (PRIVATE CLUB) - 109/111 E SHEPHERD - DARRELL BARNHILL - SERVICE DATSUN, INC.

Mayor Bronaugh stated that the next item for consideration was the request of Darrell Barnhill on behalf of Service Datsun, Inc. for a zone change from "CB" Central Business to "CB, SU" Central Business, Special Use (Private Club) on property at 109/111 E. Shepherd Street.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department providing an explanation of the request. City Manager Maclin stated that the Planning & Zoning Commission by a 5 to 1 vote recommends approval of the request with the following condition: The Special Use Permit is for the sale of alcoholic beverages only in conjunction with a full service restaurant facility; and shall not be construed as allowing the structure to be used in a manner which constitutes a night club, tavern, lounge, dance hall or commercial amusement establishment.

City Manager Maclin stated as point of clarification that this does not allow for the sale of alcoholic beverages should the owner choose to put the tables out on the City sidewalk. City Manager Maclin stated that it would be illegal to serve alcohol on the City sidewalk.

Ms. Josephine Hughes, Pastor of the Covenant of Love Outreach Ministry, stated that she is opposed to alcoholic beverages. Ms. Hughes stated that this building adjoins her building and when they step out their back door they are on her parking lot. Ms. Hughes stated that she has a problem with not being able to get into her own parking space. Ms. Hughes stated that there is alcohol across the street and also around the corner from a church and a ministry. Ms. Hughes stated that she has incurred a lot of problems since she has been coming against alcohol. Ms. Hughes stated that she has to pay taxes now and every loophole that could be used against her has been used against her. Ms. Hughes stated that a lot of things have been going on that are not right and she did not know if it was because she was a woman, a Black or a minority. Ms. Hughes stated that, in her opinion, it is not right to continue to put alcohol around her because she was there first; she has been at this location for 13 year. Ms. Hughes stated that, in her opinion, this is unfair practices on the City's part. Ms. Hughes stated that, in her opinion, the church of the Lord Jesus Christ should be respected. Ms. Hughes stated that a lot of things have happened to people who have come against her, looking back there have been some tragedies since the last meeting. Ms. Hughes asked why did she have to continue to fight the same battles, there is a restaurant downtown that serves alcohol, why do we need another one. Ms. Hughes stated that we are supposed to set examples for our children to follow, but the parents have always got to have alcohol.

Councilmember Bowman stated that since Mr. Barnhill was not present to represent the request, he would make a motion to table this item.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance for a zone change from "CB" Central Business to "CB, SU" Central Business, Special Use (Private Club) as requested by Darrell Barnhill on behalf of Service Datsun, Inc. for property located at 109/111 E. Shepherd be tabled. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY & SPECIAL USE (PARKING LOT) TO COMMERCIAL - LOOP 287 BETWEEN PAUL AND LUFKIN AVENUE - TOM GANN - JACK HICKS

Mayor Bronaugh stated that the next item for consideration was request of Tom Gann on behalf of Jack Hicks for a zone change from "RL & SU" Residential Large

Single Family & Special Use (Parking Lot) to "C" Commercial on property located on the west side of Loop 287 between Paul and Lufkin Avenues.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department providing an explanation for this request. City Manager Maclin stated that the Comprehensive Plan calls for the area to be Commercial and the Planning & Zoning Commission by unanimous vote recommends approval of the zone change as requested.

John Fleming, attorney appearing on behalf of Jack Hicks, Dr. Charles Kent and Ken Smith, stated that he is primarily hear to answer questions.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "RL & SU" Residential large Single Family & Special Use (Parking Lot) to "C" Commercial on property located on the west side of Loop 287 between Paul and Lufkin Avenues as requested by Tom Gann on behalf of Jack Hicks be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - TABLED - FIRST READING - TEXAS MUNICIPAL RETIREMENT SYSTEM - RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES

Mayor Bronaugh stated that the next item for consideration was an Ordinance authorizing and allowing under the Act governing the Texas Municipal Retirement System restricted prior service credit to employees who are members of the system for service previously performed for various other public entities for which they have not received credited service; and establishing an effective date for the Ordinance.

City Manager Maclin stated that included in the Council packet is a letter from the Texas Municipal League regarding this item, as well as an Ordinance for Council consideration. City Manager Maclin stated that basically this is an outgrowth of the quarterly meetings that he hosts with the employees every three months. City Manager Maclin stated that several departments have expressed an interest in several different aspects of the City's retirement system, one of which the Council addressed recently when they exercised the City's right by State law to lower the retirement threshold from 25 years to 20 years. City Manager Maclin stated that the second area that has been discussed in several departments is the allowance of time served in other governmental related agencies towards the threshold of retirement to 20 years now. City Manager Maclin stated that there are basically four categories that this applies to: (1) a non-TMRS city in Texas or any incorporated municipality in the United States (2) a Council of Governments (3) the Dallas/Ft. Worth International Airport, and (4) Previously forfeited service under one of the five statewide retirement systems in Texas (Texas Municipal Retirement System, Texas County and District Retirement System, Teacher Retirement System of Texas, Employees Retirement System of Texas and Judicial Retirement System of Texas). City Manager Maclin stated that any employee who had previous time of service with those agencies could use their time that they worked there towards the threshold. City Manager Maclin stated that this allowance of time does not obligate the City financially other than what has already been contributed to TMRS. City Manager Maclin stated that it would not increase the retirement check of the employee but would just allow the employee to get to the threshold for retirement faster predicated on previous service at one of these various agencies. City Manager Maclin stated that he was bringing this to Council basically as a request from numerous employees to seek passage of this Ordinance so that the employees could have this option.

In response to question by Councilmember Gorden, City Manager Maclin stated that legislature two years ago amended the TMRS statute which TMRS operates under to be able to lower the retirement from 25 years to 20 years. City Manager Maclin stated that the 20 year retirement option recently passed by Council went into effect

today.

In response to question by Councilmember Gorden, City Manager Maclin stated that employees would have had a benefit program with the other agencies and may still have it but it will not impact TMRS, or they may have cashed it in.

In response to question by Councilmember Gorden, City Manager Maclin stated that the only option the employee would have, which would take another Ordinance which he will be bringing to Council this fall, would be as if an employee had been with TMRS only (and not any of the others previously mentioned), if the City passes an Ordinance declaring a buy-back option, then the employee at their expense would buy back the time they had at another City and then they could get that time counted towards the credit of the total years they had at the City and the years they sold but bought back. City Manager Maclin stated that when the time is bought back, the employee has to pay the amount back including any interest that might be earned during that period also. City Manager Maclin stated that if a person does not "cash out" and goes from City to City in Texas the retirement stays with them. City Manager Maclin stated that all of these entities would have a defined benefit plan.

Councilmember Gorden stated that he does not particularly oppose this Ordinance but would like to look at it a little more closely before it is passed.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that Ordinance authorizing and allowing under the Act governing the Texas Municipal Retirement System restricted prior service credit to employees who are members of the system for service previously performed for various other public entities for which they have not received credited service be approved as presented.

The following vote was recorded:

Aye: Councilmembers Boyd and Jones

Nay: Councilmembers Weems, Bowman, Gorden and Mayor Bronaugh

Motion failed.

It was the consensus of opinion that this item be brought back for discussion at the May 1st Council meeting.

9. ORDINANCE - APPROVED - FIRST READING - CANCELLATION OF CITY ELECTION

Mayor Bronaugh stated that the next item for consideration was an Ordinance cancelling the Regular City Election of May 3, 1997.

City Manager Maclin stated that this is a State law change in the Texas Election Code and was actually initiated several years ago based on write-in candidacy, and when the rules were changed to define a write-in candidacy to coincide with a filing candidacy dates, the State legislature did not want to penalize a community and make them have an election when there were no opposed races and spend money that they did not have to spend. City Manager Maclin stated that basically Council has the right to exercise the right to avoid the expense of the election due to the fact that there is no opposition for all races.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Ordinance cancelling the Regular City Election of May 3, 1997 be approved on First Reading as presented. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that there will be a swearing in ceremony at the May 6th

Council meeting.

10. **AMENDMENT - APPROVED - DOWNTOWN PARKING ORDINANCE**

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Downtown Parking Ordinance.

City Manager Maclin stated that included in the Council packet is a memorandum from the Main Street Advisory Board as well as the Main Street Manager, which provides a map to define the area on Third Street that is in question. City Manager Maclin stated that basically this is a result of a request. City Manager Maclin state that several months ago Council approved an Amendment to the Downtown Parking Ordinance and this area was unregulated at that time and the property owners in that area have come to the Main Street Department and Main Street Advisory Board and requested that it be added to the 90 minute restricted area. City Manager Maclin stated that Ms. Glover has received several complementary letters stating that they believe the Ordinance is working and is accomplishing the purpose that they wanted, to be able to provide the opportunity for their clients and customers to have close parking and access to the businesses. City Manager Maclin stated that this is coming from another business owner in this area and is saying that they would like to see these same benefits for his customers added to those two blocks on Third Street between Frank Avenue and Shepherd Avenue.

In response to question by Councilmember Jones, Dawn Glover stated that this request came from an attorney, not a retail business. Ms. Glover stated that the Advisory Board probably underestimated the demand area and were trying to keep the restricted area as small as possible, but there is demand one block further down. Ms. Glover stated that the Amendment flushed some perople who were parking in the core area out to Third Street, and Herman Bate, whose office is on the corner, is finding that his clients can not park in this area because the employees of the core area have been flushed out a block. Mr. Bate provides off street parking for his employees.

Councilmember Jones asked if Mr. Bate provides parking for all of his employees and that she had received a call from someone who works for Mr. Bate about the parking. Ms. Glover stated that she had also received a call from a secretary who works for another attorney. Ms. Glover stated that Mr. Bate was clearly in favor of having Third Street restricted so that his clients would have a place to park.

City Manager Maclin stated that there is an arrangement between the Federal Court and Municipal Court for jury duty where they are given passes that exempts them from the 90 minute restriction if they happen to be on Federal jury duty.

In response to question by Councilmember Jones, Ms. Glover stated that they had done a study on how many employees there were in the downtown area and the number of parking spaces available, even to finding out who was parking where. Ms. Glover stated that her study had been done a couple of years ago and since then the demand has increased significantly. Ms. Glover stated that the City of Lufkin has taken two new lease areas to provide for employees; they may have to walk as much as two blocks but there is ample free all day parking within two blocks of anywhere you work down town.

In response to question by Councilmember Gorden, City Manager Maclin stated that the parking fines are waived for all courts.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the Amendment to the Downtown Parking Ordinance be approved on First Reading as presented. The following vote was recorded:

Aye: Councilmembers Boyd, Bowman, Gorden, Weems, Mayor Bronaugh
Nay: Councilmember Jones

Motion carried with a 5 to 1 vote.

11. RESOLUTION - APPROVED - HOME PROGRAM APPLICATION - TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing the submission of a HOME Program Application to the Texas Department of Housing and Community Affairs.

City Manager Maclin stated that included in the Council packet is a memo from the Assistant City Manager and the Resolution specifically seeking Council's authorization to apply for 1997 HOME funding in the amount of \$208,000 with an anticipated City match of \$25,000, which if approved by Council would be budgeted in the Code Enforcement/Community Development budget for 1997-'98. City Manager Maclin stated that there is a large number of people still remaining on a waiting list for home rehabilitation under the HOME program.

Asst. City Manager Mayfield stated that the HOME program represents a significant part of the affordable housing component. Mr. Mayfield stated that the City currently has a Homebuyers Assistance Program where it is a \$50,000 grant, \$25,000 of which Council has set aside for Habitat. Mr. Mayfield stated one home has been completed and the City has received a \$5,000 direct deposit from the State yesterday. Mr. Mayfield stated that the City will be cutting a check to Mrs. Viola Williams so that she can close on that home. Mr. Mayfield stated that currently on the Homebuyers Assistance Program there are a number of individuals that are set up with the State to purchase homes here in Lufkin. Mr. Mayfield stated that the Home program is a continuation; the City has participated in the 1992 program where the grant was for a total of \$465,000 for rehabilitation and reconstruction of homes. Mr. Mayfield stated that in 1993 the City participated with the State and received \$208,000, and this program has just been completed with monies left over. Mr. Mayfield stated that the contract called for homes to be rehabilitated at an average of \$10,000 and the 20 in the grant were completed with \$30,000 left over. Mr. Mayfield stated that there is a waiting list of approximately 30 to 45 individuals and staff will try and complete as many of these homes as possible with the remaining \$30,000. Mr. Mayfield stated that the remaining individuals along with new individuals that apply will then be eligible for this grant if the City is successful in receiving it.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that Resolution authorizing the submission of a HOME Program Application to the Texas Department of Housing and Community Affairs be approved as presented. A unanimous affirmative vote was recorded.

12. HOME PROGRAM GUIDELINES - ADOPTED

Mayor Bronaugh stated that the next item for consideration was adoption of the HOME Program Guidelines.

City Manager Maclin stated that included in the Council packet is a copy of the guidelines which are similar to guidelines the City has utilized in previous Home rehab programs. City Manager Maclin stated that the guidelines need to be approved by Council in order to be submitted with the above grant application.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the HOME Program Guidelines be adopted as presented. A unanimous affirmative vote was recorded.

13. RESOLUTION - APPROVED - TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION - TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS - COMMUNITY DEVELOPMENT FUND - AUTHORIZING MAYOR AS CITY'S EXECUTIVE OFFICER

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing the submission of a Texas Community Development Program application to the Texas Department of Housing and Community Affairs for the Community Development fund; and authorizing the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the community development program.

City Manager Maclin stated that this is the time of year to submit an application for what is commonly referred to as the CDBG block grant program. City Manager Maclin stated that this is a \$250,000 grant and this particular case is very similar to the project the City received several years ago for the Martin Luther King sewer rehabilitation project. City Manager Maclin stated that staff has identified another area that is similar in that it has old clay tile piping that has some infiltration inflow problems that need to be replaced. City Manager Maclin stated that these lines are in the Glenn, Williams, Culverhouse and Keltys Street area as shown on the map in the packet. City Manager Maclin stated that the City would be providing an \$86,000 match from our Utility Fund that would be budgeted in the 1997-'98 projects fund if the City is approved for the grant. City Manager Maclin stated that if the City is successful, DETCOG will take two years worth of funding in a cycle and will be able to fund 16 projects which gives the City a greater chance to be competitive based on some restrictions the City has based on per capita in Angelina County vs San Augustine County, or Shelby County, or one of the other 11 counties the City competes against. City Manager Maclin stated that if Council feels comfortable with this it would be a great way to get a \$350,000 plus project where the City only has to put in \$86,000 if our grant is scored high enough to be funded.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that a Resolution authorizing the submission of a Texas Community Development Program application to the Texas Department of Housing and Community Affairs for the Community Development fund; and authorizing the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the community development program be approved as presented. A unanimous affirmative vote was recorded.

14. RESOLUTION - APPROVED - FAIR HOUSING ACTIVITIES - FAIR HOUSING/EQUAL OPPORTUNITY STANDARDS OFFICER

Mayor Bronaugh stated that the next item for consideration was a Resolution concerning fair housing activities and the appointment of a Fair Housing/Equal Opportunity Standards Officer.

City Manager Maclin stated that included in the Council packet is a brief Resolution and on the table is the Citizen's Participation Plan, along with a complaint system, the complaint form and additional details for the complaint form, and the designation as the City Manager as the Fair Housing/Equal Opportunity Standards Officer for the City. City Manager Maclin stated that this a requirement for the grant and should be included in order to have a proper application.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that the Resolution concerning fair housing activities and the appointment of City Manager C. G. Maclin as the Fair Housing/Equal Opportunity Standards Officer be approved as presented. A unanimous affirmative vote was recorded.

15. RESOLUTION - APPROVED - REIMBURSEMENT OF EXPENDITURES WITH PROCEEDS OF FUTURE DEBT

Mayor Bronaugh stated that the next item for consideration was a Resolution declaring expectation to reimburse expenditures with proceeds of future debt.

City Manager Maclin stated that basically this is a "promise to pay ourselves back note". City Manager Maclin stated that this has been discussed at several past meetings particularly relating to the purchase of the property for the new water well included in the 1996-'97 budget for utility capital improvement projects. City Manager Maclin stated that staff has left a good paper trail in previous minutes of previous meetings relating to this but this is the formal Resolution that when it comes time to actually transfer the funds the auditors view this as a higher and more delineated source for the reimbursement. City Manager Maclin stated that when the City takes delivery of the revenue bond proceeds this summer any expenses towards these projects previously designated would be reimbursed back to the City from our Utility Fund from the bond proceeds.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that a Resolution declaring expectation to reimburse expenditures with proceeds of future debt be approved as presented. A unanimous affirmative vote was recorded.

16. SALE - TABLED - CITY PROPERTY - WHITE HOUSE DRIVE

Mayor Bronaugh stated that the next item for consideration was the sale of a portion of City property on White House Drive.

City Manager Maclin stated that staff reviewed this request for quite some time and looked at this eight acres that the City bought when the property was purchased to build the elevated storage tank on White House. City Manager Maclin stated that when staff looked at the parcel that would be left between the new street and our property boundary on the west side, staff did not see the need for the City to continue to hold that property for the future. City Manager Maclin stated that there was no viable potential for utilization. City Manager Maclin stated that staff felt that if we were going to sell that property now would be the appropriate time so that it could be included through the Planning & Zoning process for a possible PUD (Planned Unit Development) zoning district. City Manager Maclin stated that by being a part of a PUD it would provide greater controls relating to the City's property adjacent to it which includes the elevated storage tank. City Manager Maclin stated that staff has a buyer who is doing a development in this area and the appraised value is included in Council's packet and a map showing the 1.810 acre tract. City Manager Maclin stated that the appraised value is \$18,100.

In response to question by Councilmember Boyd, City Manager Maclin stated that the prospective buyer has agreed to the appraised amount.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that a portion of City property on White House Drive be approved as presented.

Councilmember Gorden stated that he found it interesting that all the people who came to the annexation Public Hearing were claiming that the property around this area was selling for \$20,000 an acre, and the City is selling this for \$10,000.

In response to question by Councilmember Jones, City Manager Maclin stated that David Cochran did the appraisal.

Mr. Cochran stated that this is not a standard street, but is a right-of-way and is only 50' and very narrow. Mr. Cochran stated that this is not a standard building lot. Mr. Cochran stated that there is some frontage but the property is a triangle shape.

City Manager Maclin stated that Mr. Cochran had used two certified appraisals for property on the Azalea Trail as a reference point.

In response to question by Mayor Bronaugh, City Manager Maclin stated that originally the City paid \$8,000 per acre for the property in 1992.

Councilmember Bowman stated that he would like to take another look at this to deter any criticism; the appraised amount might be too low.

City Manager Maclin stated that staff could engage Jake Lyons to give an appraisal on the property.

Mayor Bronaugh asked Mr. Cochran if he was qualified to make the appraisal as for as the State is concerned. Mr. Cochran stated that he did not have a professional real estate appraisers certification, but does have the education. City Manager Maclin stated that the City could use the CAD values and be legal for the State.

Councilmember Boyd withdrew his earlier motion; Councilmember Gorden concurred.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that a portion of City property on White House Drive be tabled and that staff be instructed to get another appraisal. A unanimous affirmative vote was recorded.

17. BID - TABLED - STAFF VEHICLE - WATER POLLUTION CONTROL DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was bids for a staff vehicle to be used at the Water Pollution Control Department.

City Manager Maclin stated that this is a Dodge Diplomat that Council had agreed to give to the Lone Star Boot Camp with high mileage. City Manager Maclin stated that the vehicle had been appraised at \$1,000. City Manager Maclin stated that he did have to go back to Superintendent Sharp and renegotiate the deal that was agreed upon. City Manager Maclin stated that the deal that they agreed upon was that if the City gave the vehicle to LISD to use for the Boot Camp they would give us free rental of all the schools for election day. City Manager Maclin stated that since the City is not going to have an election he will have to go back and negotiate for something the City needs.

In response to question by Councilmember Gorden, City Manager Maclin stated that this car is still being driven by Bobby Mott at the sewer plant.

Councilmember Jones asked if staff specified a V-8 engine on this car. Mr. Cochran stated that a minimum was a V-6, but a V-8 is the engine that comes with a Crown Victoria, which is the standard engine for this car.

Councilmember Gorden asked if the City could save some money by not getting a full size car. City Manager Maclin stated that the car that is being replaced is a six passenger car by definition, and what this is primarily used for is to take employees once a month to training meetings and water schools, and Water District meetings to receive continuing education credits for attending. City Manager Maclin stated that this vehicle is used for their transportation rather than having to pay mileage to several employees. City Manager Maclin stated that the meetings are as far as Woodville, Crockett and Kirbyville. Councilmember Gorden stated that he was not disagreeing with City Manager Maclin but felt like there were vehicles around that were six passenger vehicles and were not Crown Victorias. Councilmember Jones stated that was her concern also.

Mr. Cochran stated that the specs were for a six passenger vehicle hoping that bids would come in on other vehicles other than sedans.

In response to question by Councilmember Gorden, Mr. Wright stated that there are generally 12 to 15 employees who attend these meetings on a regular basis.

Councilmember Gorden stated that staff does a good job of saving the City money but this bid was not acceptable to him. City Manager Maclin stated that the last car lasted ten years and had previously been used in the Police Department.

Councilmember Bowman stated that he shared Councilmembers Gorden and Jones' concerns. Councilmember Bowman stated that he noticed that the local bidder was a little higher. City Manager Maclin stated that in the past if staff could show a justifiable cause due to service to go local rather than avoid going out of town for service, we have gone with the local bid.

In response to question by Mayor Bronaugh, Mr. Wright stated that this car has been used to go to Austin and even to Arkansas.

Councilmember Bowman suggested that Council reject this bid and seek new bids on a smaller car.

Councilmember Boyd stated that a lot of cars are so small now days that you could not get two people in them. Councilmember Boyd stated that he recommended getting a car that could comfortably seat six passengers. Councilmember Gorden stated that if the City is sending 15 employees a van might need to be considered. City Manager Maclin stated that staff could check with HGAC on a price for a mini-van. Councilmember Gorden stated that on the surface of things it did not look appropriate for the City to buy a Crown Victoria automobile for that type of use.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. to reject this bid and that Staff seek new bids on another type of vehicle.

The following vote was recorded:

Aye: Councilmembers Gorden, Bowman, Jones and Mayor Bronaugh
Nay: Councilmembers Boyd and Weems

Motion passed by a 4 to 2 vote.

City Manager Maclin asked, for Management clarification, did staff want him to bid a Taurus or Sable or something similar. City Manager Maclin stated that PD had recently purchased a 15 passenger van for approximately \$22,000. Councilmember Jones asked if the bids that were considered tonight could also be considered with the bids that are received for the van. City Manager Maclin stated that the bids were good for 90 days. City Manager Maclin asked Mr. Cochran to rebid mini-vans and full size similar to the specs used on the Police vans, making sure that there is adequate air conditioning for 15 people.

18. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:45 p.m. to enter into Executive Session. Mayor Bronaugh reconvened the meeting at 7:14 p.m. and stated that Council had discussed real estate matters.

19. APPOINTMENTS - APPROVED - ANIMAL CONTROL FACILITY DEVELOPMENT COMMITTEE

Mayor Bronaugh stated that the next item for consideration was appointments to the Animal Control Facility Development Committee.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Tucker Weems that Dr. Doug Ashburn, Howard Daniel, Benny Moye, Lynn Fischer, and Vickey Courtney be appointed to the Animal Control Facility Development Committee. A unanimous affirmative vote was recorded.

20. COMMENTS

Councilmember Weems stated that it is now April and Council has not received the audit. City Manager Maclin stated that staff has a preliminary draft meeting with Mr. Rudel this week and that the audit will be presented at next Council meeting.

City Manager Maclin stated that there will be an investment committee meeting Tuesday, April 15th with Dick Long.

City Manager Maclin stated that Congressman Jim Turner will be the speaker for the First Friday luncheon this week.

City Manager Maclin stated that the DETDA meeting will be held on April 11 at the Holiday Inn and the speaker will be Representative Ron Lewis who is the Chairman of the House Resource Committee.

Mayor Bronaugh stated that there will be a ribbon cutting for Congressman Jim Turner at 10:30 a. m. tomorrow at the Homer Garrison Building.

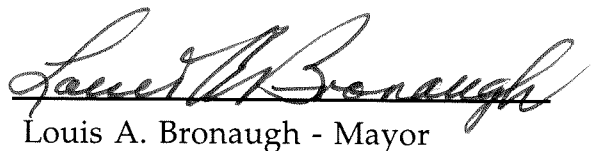
Mayor Bronaugh stated that the annual Council retreat will be held on Thursday, May 15th at Pine Island.

21. There being no further business for consideration, meeting adjourned at 7:20 p.m.

ATTEST:



Atha Stokes - City Secretary



Louis A. Bronaugh - Mayor