

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL**  
**OF THE CITY OF LUFKIN, TEXAS**  
**HELD ON THE 5TH DAY OF OCTOBER, 1999 AT 5:00 P. M.**

On the 5<sup>th</sup> day of October, 1999, 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
Bob Bowman	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward 1
Don Boyd	Councilmember, Ward 2
Lynn Torres	Councilmember, Ward 3
Jack Gorden, Jr.	Councilmember, Ward 5
Dennis Robertson	Councilmember, Ward 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

Being present when the following business was transacted.

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

3. **APPROVAL OF MINUTES**

Minutes of the regular meeting of September 21, 1999 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

4. **OATH OF OFFICE - LYNN TORRES - COUNCILMEMBER WARD 3**

Mayor Bronaugh administered the Oath of Office to Lynn Torres, Councilmember Ward 3.

5. **VIDEO PRESENTATION - DETENTION POND CONSTRUCTION ON LOTUS LANE - RESTROOMS AT ELLEN TROUT ZOO - DIESEL POWERED GENERATORS**

Keith Wright, City Engineer, presented a video of the detention pond construction on Lotus Lane, the new restrooms at Ellen Trout Zoo and the diesel powered generators that are being installed at the water wells and water plant.

6. **ORDINANCE - TABLED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - RICE R. TURNER SURVEY - TRACTS 1 AND 11 - LOOP 287 BETWEEN SOUTH CHESTNUT STREET AND PONDEROSA DRIVE - SYBIL DRIVE**

Mayor Bronaugh stated that the next item for consideration was an Ordinance to change the zoning from Residential Large to Commercial on approximately 8.7 acres of land described as a part of Tracts 1 and 11 of the Rice R. Turner Survey (Abstract No. 718) and located south of Loop 287 between South Chestnut Street and Ponderosa Drive and approximately 400 feet east of Sybil Drive as requested by Alan Wade.

Mayor Bronaugh stated that Council had received a request by Mr. Wade that this item be delayed until the October 19<sup>th</sup> Council meeting.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 7.34 acres (which includes a 50' buffer and has been reduced from the original request of 8.7 acres) of land described as a part of Tracts 1 and 11 of the Rice R. Turner Survey (Abstract No. 718) and located south of Loop 287 between South Chestnut Street and Ponderosa Drive approximately 400 feet east of Sybil Drive as requested by Alan Wade be tabled. A unanimous affirmative vote was recorded.

**7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - "APARTMENT & SPECIAL USE" (TOWNHOUSE) TO "LOCAL BUSINESS" - SOUTH FIRST STREET - WINSTON LAND AND CATTLE COMPANY**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Apartment & Special Use" (Townhouse) to a "Local Business" zoning district on approximately 0.33 acres of land located between 601 and 617 South First Street as requested by Dean Leggett on behalf of Winston Land and Cattle Company.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Ordinance to change the zoning from "Apartment & Special Use" (Townhouse) to a "Local Business" zoning district on approximately 0.33 acres of land located between 601 and 617 South First Street as requested by Dean Leggett on behalf of Winston Land and Cattle Company be approved on Second Reading as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL MEDIUM TO RESTRICTIVE PROFESSIONAL OFFICE - TRACTS 81 AND 82 - J. L. QUINALTY SURVEY (ABSTRACT NO. 40) - SOUTH CHESTNUT STREET AND YORK DRIVE - JAN & B. J. VIET**

Mayor Bronaugh stated that the next item for consideration was the request of Jan and B. J. Viet to change the zoning from "Residential Medium" to "Restrictive Professional Office" on approximately 2.54 acres of land described as Tracts 81 and 82 out of the J. L. Quinalty Survey (Abstract No. 40) and being located at the northwest corner of the intersection of South Chestnut Street and York Drive.

City Manager Maclin stated that this request comes to Council with a unanimous recommendation of approval from the Planning & Zoning Commission.

Jeff Chance, attorney, stated that he was present on behalf of Mr. and Mrs. Viet and would answer any questions by Council.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from "Residential Medium" to "Restrictive Professional Office" on approximately 2.54 acres of land described as Tracts 81 and 82 of the J. L. Quinalty Survey (Abstract No. 40) and being located at the northwest corner of the intersection of South Chestnut Street and York Drive be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**9. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - TELECOMMUNICATIONS TOWER - RESIDENTIAL LARGE ZONING DISTRICT - MOTT STREET - TRACT 133 - J. A. BONTON SURVEY - ABSTRACT NO. 5 - TRACT 191 - J. A. LONGORIA SURVEY (ABSTRACT NO. 24) - U. S. UNWIRED**

Mayor Bronaugh stated that the next item for consideration was the request of U. S. Unwired for approval of a Special Use Permit for a Telecommunications Tower within a "Residential Large" Zoning District on a 0.230 acre parcel of land located on Mott Street and being a portion of Tract 133 out of the J. A. Bonton Survey (Abstract No. 5) and a portion of Tract 191 out of the J. A. Longoria Survey (Abstract No. 24).

City Manager Maclin stated that included in the Council packet is a memorandum of explanation and a property map showing the location. Mr. Maclin stated that this is on City property within the 14 acre tract the City purchased in 1996 for the future Public Works facility site. Mr. Maclin stated that the approval today is strictly for the Special Use Permit relating to zoning and staff will be coming back to Council at a future meeting with an actual lease contract from U. S. Unwired. Mr. Maclin stated that the City Attorney has been working with the attorneys from U. S. Unwired on developing that agreement.

Mr. Maclin stated that this was discussed initially as being potentially located on some property located within the Grace Dunn Richardson Park area and the City Attorney felt like that might be a conflict with the City's requirements for Park property. Mr. Maclin stated that this property is located near that area off of Lane Drive at Mott Drive.

Mr. Sidney Theriot was present representing U. S. Unwired and stated that U. S. Unwired is a telecommunications wireless company coming into the Lufkin-Nacogdoches area. Mr. Theriot stated that he would like for the City Council to know that they would be entertaining other companies coming in to let them co-locate on their towers. Mr. Theriot stated that he has also been contacted by the City to possibly locate some high speed data transfer equipment by the Police Department.

In response to question by Mr. Bowman, Mr. Theriot stated that this is a new PCS (digital telephone system) and is new technology. Mr. Theriot stated that phone calls will be clearer and quicker with this improved system. Mr. Theriot stated that U. S. Unwired is a Sprint affiliate. Mr. Theriot stated that the reason they are asking for so many towers is this wave is not like a cellular wave, it is shorter, and that the waves need to be more compressed.

In response to question by Mr. Bowman, Mr. Theriot stated that U. S. Unwired will probably open a store in Lufkin and will employ 20 to 30 people depending upon the usage, and they will have two or three technicians.

In response to question by Mr. Robertson, Mr. Maclin stated the City Attorney will address, in the Contract he is working on, where the City will have authorization or permission to take advantage of the tower for future needs of the City's radio communications network.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Ordinance for a Special Use Permit for a Telecommunications Tower within a "Residential Large" Zoning District on a 0.230 acre parcel of land located on Mott Street and being a portion of Tract 133 out of the J. A. Bonton Survey (Abstract No. 5) and a portion of Tract 191 out of the J. A. Longoria Survey (Abstract No. 24) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**10. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - TELECOMMUNICATIONS TOWER - CENTRAL BUSINESS ZONING DISTRICT - TRACT 63-3 - J. L. QUINALTY SURVEY (NO. 40) - EAST FRANK STREET - EAST LUFKIN AVENUE - SOUTH FOURTH STREET - U. S. UNWIRED**

Mayor Bronaugh stated that the next item for consideration was the request of U. S. Unwired for approval of a Special Use Permit for a Telecommunications Tower within a "Central Business" Zoning District on a 0.112 acre portion of Tract 63-3 out of the J. L. Quinalty Survey (Abstract No. 40) and being located between East Frank Street and East Lufkin Avenue approximately 300 feet east of South Fourth Street.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Ordinance for a Special Use Permit for a Telecommunications Tower within a "Central Business" Zoning District on a 0.112 acre portion of Tract 63-3 out of the J. L. Quinalty Survey (Abstract No. 40)

and being located between East Frank Street and East Lufkin Avenue approximately 300 feet east of South Fourth Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**11. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - TELECOMMUNICATIONS TOWER - COMMERCIAL ZONING DISTRICT - TRACT 145 - J. A. LONGORIA SURVEY (ABSTRACT NO. 24) - HOLIDAY INN - SOUTH FIRST STREET**

Mayor Bronaugh stated that the next item for consideration was the request of U. S. Unwired for approval of a Special Use Permit for a Telecommunications Tower within a "Commercial" Zoning District on a 0.113 acre portion of Tract 145 out of the J. A. Longoria Survey (Abstract No. 24) and being located behind the Holiday Inn at 4306 South First Street.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Ordinance for a Special Use Permit for a Telecommunications Tower within a "Commercial" Zoning District on a 0.113 acre portion of Tract 145 out of the J. A. Longoria Survey (Abstract No. 24) and being located behind the Holiday Inn at 4305 South First Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**12. ORDINANCE - DENIED - FIRST READING - SPECIAL USE PERMIT - TELECOMMUNICATIONS TOWER - RESIDENTIAL LARGE ZONING DISTRICT - TRACT 202 - J. A. BONTON SURVEY (ABSTRACT NO. 5) - LARGENT STREET**

Mayor Bronaugh stated that the next item for consideration was the request of U. S. Unwired for approval of a Special Use Permit for a Telecommunications Tower within a "Residential Large" Zoning District on a 0.113 acre portion of Tract 202 out of the J. A. Bonton Survey (Abstract No. 5) and commonly known as 503 Largent Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation and a map showing the location of this tower off of Loop 287 behind a commercial business that fronts on the Loop. Mr. Maclin stated that this request comes to Council with a recommendation of approval on a 4 - 2 vote, and will require six affirmative votes from Council for approval of the Special Use Permit because 20% of the land owners within 200' have filed a protest.

Betty Smith, who resides at 505 Largent, stated that she lives next door to the property at 503. Ms. Smith stated that she has been informed that the building of this structure will devalue her property and the property where the tower will be placed on. Ms. Smith stated that there were other residents who objected to the tower but they did not feel that it would do any good for them to come because they felt it was a "done deal".

Mr. Bowman asked if there were some other sites where this tower could be placed. Mr. Theriot stated that they always look at alternative sites. Mr. Theriot stated that there is a vacant lot on either side of the business located on the Loop (Rick's Hair Hustlers). Mr. Theriot stated that there is a lot behind the house directly behind him, which he owns, and his shop. Mr. Theriot stated that he would suggest to Council, as he had suggested to P & Z, that if they moved 5', 50' or 500' there would be opposition to the tower. Mr. Theriot stated that this is a system and for the system to work the towers have to hand off themselves. Mr. Theriot stated that if you start moving towers around you will get so far away that you will create a hole. Mr. Theriot stated that Mr. Moreland's property fit their criteria and he was interested in leasing to them. Mr. Theriot stated that Mr. Moreland's property was a usable, suitable site to construct a tower.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that request of U. S. Unwired for approval of a Special Use Permit for a Telecommunications Tower within a "Residential

Large" Zoning District on a 0.113 acre portion of Tract 202 out of the J. A. Bonton Survey (Abstract No. 5) and commonly known as 503 Largent Street be approved as presented. The following vote was recorded:

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

Motion failed for lack of six (6) affirmative votes.

**13. ANGELINA COUNTY & CITIES HEALTH DISTRICT COOPERATIVE AGREEMENT - APPROVED**

Mayor Bronaugh stated that the next item for consideration was approval of the Angelina County & Cities Health District Cooperative Agreement.

City Manager Maclin stated that the City Attorney has reviewed the Contract and this is an annual renewal process.

Sharon Shaw, Administrator of the Angelina County & Cities Health District, stated that the Health District has been in existence since 1967, and this document has not changed. Ms. Shaw stated that she would like to invite Councilmembers to come out and visit their facility, and she would also answer any questions by Council. Ms. Shaw stated that they will be moving into their new facility in May.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the Angelina County & Cities Health District Cooperative Agreement be approved as presented. A unanimous affirmative vote was recorded.

**14. TRUST PROPERTY PURCHASE - APPROVED - WILLIAM GEORGE REALTY CO. INC. - LISD**

Mayor Bronaugh stated that the next item for consideration was an offer of William George Realty Co. Inc. to purchase property held in trust by Lufkin ISD.

City Manager Maclin stated that included in the Council packet is a letter from Bill Shanklin, Tax Assessor/ Collector, and from the law firm of Linebarger, Heard, Goggan, Blair, Graham, Pena & Sampson. Mr. Maclin stated that the law firm has provided a letter showing the desire to sell a piece of property across the street from the William George Produce Company off of Mize Street south of Kurth Drive and Davis Street. Mr. Maclin stated that the City's recovery would be \$475 in back taxes. Mr. Maclin stated that the Tax Assessor/Collector is seeking authorization from each of the four taxing entities for consideration to approve this sale and collect the dollars noted and put it back on the tax roll.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that offer of William George Realty Co. Inc. to purchase property held in trust by Lufkin ISD be approved as presented. A unanimous affirmative vote was recorded.

**15. CITY STREET RECONSTRUCTION PROJECT - TABLED**

Mayor Bronaugh stated that the next item for consideration was a review of the City street reconstruction project.

City Manager Maclin stated that during the budget process this year Council approved the concept of taking the money that is normally spend on annual street improvements through the overlay program and determining how can much can be amortized through issuing debt. Mr. Maclin stated that Council authorized through the Capital Improvement Program to proceed with a \$4 million street improvement program. Mr. Maclin stated that included in the Council packet is a listing of streets from the Street Department in all six wards based on the streets they feel like are in the worst condition and have the greatest need. Mr. Maclin stated that what staff is seeking from Council today is their

review of these streets, any additions or deletions, and after the list is completed with Council's input, staff will get local engineering firms to provide staff with cost estimates for each one of these streets. Mr. Maclin stated that once staff has a total tabulation of the cost per street staff will come back to the Council for a final approval to move forward with those street repairs as indicated. Mr. Maclin stated that some of the streets are for street reconstruction, some involve street overlay, and some of them involve drainage widening. Mr. Maclin stated that several of the streets are for reconstruction, which is the main intent of being able to use a larger volume of money to repair them in such a way that will give greater longevity out of the overlays, possibly eight to ten years. Mr. Maclin stated that basically tonight staff is seeking Council's approval of the streets that we have, and would ask that over the next two weeks if there are streets that Councilmembers wish to add to the list that they contact staff and they will be added to the list for purposes of engineers to give estimates for construction cost. Mr. Maclin stated that once staff has all the construction costs, in about eight weeks, staff will come back to Council and based on the dollars available they can help decide which streets to include in the program recognizing that we probably cannot afford every one of them since there is only \$4 million available.

Mr. Bowman stated that this is a very positive, progressive program.

In response to question by Mr. Robertson, Mr. Wright stated that they have looked at all the streets and have tried to target those streets that are outside of water and sewer pipe replacement. Mr. Wright stated that if any of the streets need water and sewer pipe replacement it will be done first before the street is reconstructed. Mr. Wright stated that water and sewer will be addressed in the street program and will include the asbestos pipe replacement.

In response to question by Mr. Robertson, Mr. Wright stated that when Culverhouse is completed part of the street improvement package will be to move those utilities into the right-of-way outside of the pavement.

In response to question by Mr. Bowman, Mr. Wright stated that he estimates that 75% of the streets will be funded. Mr. Bowman stated that he would like for someone to drive him through the streets in Ward 4.

Mr. Wright stated that it will take three or four years to get all of these streets constructed.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that City street reconstruction project be tabled. A unanimous affirmative vote was recorded.

**16. BID - APPROVED - CUNNINGHAM DRIVE DRAINAGE PROJECT - APPROVED - J & D CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was award of bid for Cunningham Drive drainage project.

City Manager Maclin stated that included in the Council packet is the bid tabulation, and the staff recommendation is to award the low bid to J & D Construction at \$31,800.

In response to question by Mr. Boyd, Mr. Wright stated that these funds are coming out of the budget for storm water through the Street Department. Mr. Wright stated that this was not broken down as a one budget item.

Mr. Maclin stated that the \$25,000 was the engineer's original estimate, and there are sufficient funds in the Street Department budget for the difference.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that bid of J & D Construction in the amount of \$31,800 for the Cunningham Drive drainage project be approved as submitted. A unanimous affirmative vote was recorded.

**17. BID - APPROVED - JOYCE LANE WATER IMPROVEMENTS PROJECT - J & D CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was award of bid for the Joyce Lane water improvements project.

City Manager Maclin stated that included in the Council packet is the bid tabulation, and the staff recommendation is the low bid of J & D Construction in the amount of \$44,244.

Mr. Wright stated that this is a project related to the fire protection program that was funded through bonds in the early '90's.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that bid of J & D Construction in the amount of \$44,244 for the Joyce Lane water improvements project be approved as submitted. A unanimous affirmative vote was recorded.

**18. EXECUTIVE SESSION:**

Mayor Bronaugh recessed regular session at 5:50 p. m. to enter into Executive Session. Regular session reconvened at 6:25 p. m. and Mayor Bronaugh stated that attorney/client matters and an appointment to the Tree Board was discussed.

**19. APPOINTMENT - APPROVED - TREE BOARD - LYNN TORRES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Lynn Torres be appointed to the Tree Board. A unanimous affirmative vote was recorded.

**20. COMMENTS**


Councilmembers welcomed Mrs. Torres to the City Council. Mrs. Torres stated that she was glad to be on the City Council, and looked forward to learning.

City Manager Maclin stated that Thursday, October 14<sup>th</sup>, is Leadership Lufkin Day and each Councilmember is requested to attend a luncheon at noon at Memorial Hospital. Mr. Maclin stated that after lunch the Councilmembers will be asked to answer questions by the Leadership Lufkin Class.

Mr. Maclin stated that two weeks from today, prior to the City Council meeting at 4:00 p.m. Donohoe will have a ground breaking ceremony for their new plant improvements, and following the Council meeting there will be a reception at Crown Colony.

Mr. Maclin stated that on October 20<sup>th</sup> the DETDA meeting will be held at the Civic Center at 10:00 a.m. and the speaker will be Jeff Moseley, Director of the Texas Department of Economic Development.

21. There being no further business for consideration, meeting adjourned at 6:29 p. m.

  
Louis A. Bronaugh  
Mayor

ATTEST:

  
Atha Stokes Martin  
City Secretary