

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF**  
**LUFKIN, TEXAS, HELD ON THE**  
**21ST DAY OF DECEMBER, 1999 AT 5:00 P. M.**

On the 21st day of December, 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 Bronaugh	Mayor
Bob Bowman	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Work
Stephen Abraham	Director of Planning

being present when the following business was transacted.

1. Meeting was opened with prayer by Chaplain Eddie Ballard.
2. Mayor Bronaugh welcomed visitors present.

**3. APPROVAL OF MINUTES**

Minutes of the regular meeting of December 7, 1999 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. A unanimous affirmative vote was recorded.

**4. PUBLIC HEARING - U. S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANT - FISCAL YEAR 1999**

Mayor Bronaugh opened Public Hearing to consider U. S. Department of Justice Local Law Enforcement Block Grant for fiscal year 1999.

No one spoke for or against the Block Grant.

Mayor Bronaugh closed Public Hearing.

**5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL (LOCAL BUSINESS) - A. BARELA SURVEY - 2204 NORTH RAQUET STREET - HOMERO AND ROSA TREVINO**

Mayor Bronaugh stated that the next item for consideration was an Ordinance to change the zoning from "Residential Large" to a "Commercial" zoning district on approximately 0.221 acres of land described as Tracts 630-1, 630-2 and 630-3 out of the A. Barela Survey (Abstract No. 49) and more commonly known as 2204 North Raguet Street as requested by Homero and Rosa Trevino.

City Manager Maclin stated that this zone change request was approved unanimously on First Reading, but because of 20% opposition it would take six affirmative votes for approval on Second Reading.

Motion was made by Councilmember Don Boyd and seconded by Councilmember

Dennis Robertson that Ordinance to change the zoning from "Residential Large" to "Local Business" on approximately 0.221 acres of land described as Tracts 630-1, 630-2, and 630-3 out of the A. Barela Survey (Abstract No. 49) and more commonly known as 2204 North Raguet Street as requested by Homero and Rosa Trevino be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO NEIGHBORHOOD RETAIL - PERSHING STREET AND LAYFETTE - BONTON ADDITION - JERRY BISHOP & ASSOCIATES - NINA McDANIEL**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "Residential Large" to "Neighborhood Retail" on approximately 0.72 acres of land located at the northeast corner of the intersection of Pershing Street and Lafayette and described as Lots 1 and 4 of Block 15 in the Bonton Addition as requested by Jerry Bishop & Associates on behalf of Nina McDaniel.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "Residential Large" to "Neighborhood Retail" on approximately 0.72 acres of land located at the northeast corner of the intersection of Pershing Street and Lafayette and described as Lots 1 and 4 of Block 15 in the Bonton Addition as requested by Jerry Bishop & Associates on behalf of Nina McDaniel be approved on First Reading with the following stipulations: 1) Requires a six foot tall sight bearing fence along the property lines that abut residentially zoned properties 2) Limits any single use to a maximum of 3,000 square feet; and 3) Limits the hours of operation to the hours between 6:00 a.m. and 11:00 p.m. A unanimous affirmative vote was recorded.

**7. ORDINANCE - APPROVED - SECOND READING - DROUGHT CONTINGENCY PLAN REVISIONS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise the Drought Contingency Plan.

City Manager Maclin stated that the City Engineer has redrafted and updated the Drought Contingency Plan to be in compliance with new TNRCC regulations.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance revising the Drought Contingency Plan be approved on Second and Final Reading with changes adjusting the fine from \$5,000 to \$2,000 and adding the cable interrupt. A unanimous affirmative vote was recorded.

**8. ORDINANCE - DENIED - ZONE CHANGE - RESIDENTIAL LARGE TO NEIGHBORHOOD RETAIL - KERR'S ADDITION - 1014 SOUTH FIRST STREET**

Mayor Bronaugh stated that the next item for consideration was request of Katrina Smith on behalf of Kay McDonald to change the zoning from "Residential Large" to "Neighborhood Retail" on a tract of land described as Lot 9.1, Block 2 of Kerr's Addition and more commonly known as 1014 South First Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department providing some background for this request. Mr. Maclin stated that this request comes from the Planning & Zoning Commission with a recommendation of denial on a 6 - 1 vote based on opposition of owners of land within 200' of the property. Mr. Maclin stated that with the recommendation of denial from P&Z it will require six affirmative votes for passage by Council.

Katrina Smith stated that she is requesting that the zoning be changed for the house at 1014 South First Street. Ms. Smith stated that she owns a beauty shop in the City and is looking for a nice house to refurbish and make into a "homey" beauty shop. Ms. Smith stated that she is aware that there were some issues and concerns with the residents in the area. Ms. Smith stated that she is also aware that there are other businesses in that area already, on each end of First Street. Ms. Smith stated that at the P&Z Commission meeting parking and how the driveway would be configured was discussed. Ms. Smith stated that when she came to the City and requested a zone change the Planning Department made her aware of all of the Ordinances that she would have to comply with. Ms. Smith stated that there is plenty of backyard area to where her customers would not have to back out onto First Street as they exit. Ms. Smith stated that parking on the street should not even be an issue. Ms. Smith stated that some of the residents were concerned about looking into a backyard with asphalt and she would have to do this in order to provide adequate parking, and the area would be enclosed with a six foot privacy fence.

Ms. Smith stated that she knew that the residents were concerned that this is a historical district and they wanted to keep the neighborhood as it is. Ms. Smith stated that there have been some people buying the homes and restoring them, but, in her opinion, there has been a major turnaround in the area and it has gone down. Ms. Smith stated that she lived in this neighborhood two years ago. Ms. Smith stated that it is her intention to upgrade the house, and that it will look no different on the outside. Ms. Smith stated that she planned to install a small sign but other than that it will look just as it is, but better, because she will plant flowers. Ms. Smith stated that she is aware of the parking problems with the restaurant across the street, but her property will not look like that, but like a house that is being operated as a beauty shop. Ms. Smith stated that the neighbors expressed concern about the traffic that her beauty shop would generate, and in her opinion, the 20 to 30 customers that her shop will generate a day will not make that much difference. Ms. Smith stated that Mr. Abraham and Mr. Robertson printed her a list of the businesses that could operate in a Neighborhood Retail classification and it is very limited with nice, quiet retail shops. Ms. Smith stated that she wanted everyone to know that her beauty shop at this location will be an upgrade and will not take anything away from the neighborhood.

In response to question by Councilmember Torres, Ms. Smith stated that the shop will be open four to five days a week and the hours are Tuesday through Saturday from 10 a.m. to 6 p.m. Ms. Smith stated that the traffic that her shop will generate will not conflict with the normal 8 a.m. going to work traffic or the 5 p.m. going home traffic.

In response to question by Councilmember Robertson, Ms. Smith stated that the garage apartment behind the house will not be torn down, and it will not interfere with the parking area.

In response to question by Councilmember Boyd, Ms. Smith stated that she will have four beauty stations and one facial station in her shop.

Those who appeared in opposition of the zone change request included:

Gwen Cunningham, 113 W. Menefee  
Joe Watkins, 117 House  
Rush Krawczynski, on behalf of Ola Tenney, 1006 S. First  
Jim and Kris Mechelay, 120 W. Menefee

All residents who spoke in opposition of the request stated that they wanted to keep the neighborhood as a residential community and opposed the encroachment of commercial business that would bring traffic problems to the area.

Councilmember Robertson stated that Mrs. Smith would probably do a good job in

refurbishing this house for a business, but the thing that he is concerned about is the same thing that the residents talk about in historic neighborhoods. Mr. Robertson stated that, in his opinion, Lufkin should pay more attention to historic neighborhoods and try to maintain those neighborhoods as much as possible.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that request of Katrina Smith on behalf of Kay McDonald to change the zoning from "Residential Large" to "Neighborhood Retail" on a tract of land described as Lot 9.1, Block 2 of Kerr's Addition and more commonly known as 1014 South First Street be denied. A unanimous affirmative vote was recorded.

**9. ORDINANCE - APPROVED - FIRST READING - CLOSING OF UNUSED PORTION OF STREET - LUFKIN AVENUE BETWEEN EXISTING LUFKIN AVENUE AND FRANK STREET**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to close the unused portion of Lufkin Avenue between existing Lufkin Avenue and Frank Street.

City Manager Maclin stated that this is a continuation of a request that Council has reviewed regarding some changes in the area of Lufkin Avenue and Frank Street for the sale of a piece of property, and the intent of the buyer to make some improvements to that area. Mr. Maclin stated that the City staff has determined that this old alley way that has not been used for many years is something that the City does not need and is in a position where it could be closed.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that Ordinance to close the unused portion of Lufkin Avenue between the existing Lufkin Avenue and Frank Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**10. EASEMENT - APPROVED - BUILDING ENCROACHMENT - LUFKIN AVENUE**

Mayor Bronaugh stated that the next item for consideration was granting an easement for building encroachment in unused portion of Lufkin Avenue.

City Attorney Flournoy stated that the building that is sitting on this little piece of land sits over about 4" into the street that Council has just voted on First Reading to close. Mr. Flournoy stated that pending the final closure of this street, the property owner is asking that the City grant them an easement, which is 35/100ths of one square foot.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Bob Bowman that an easement for building encroachment in an unused portion of Lufkin Avenue be granted as requested. A unanimous affirmative vote was recorded.

**11. RESOLUTION - APPROVED - APPLICATION GUIDELINES - PROGRAM YEAR 2001 - TEXAS COMMUNITY DEVELOPMENT PROGRAM - TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

Mayor Bronaugh stated that the next item for consideration was a Resolution formally expressing a position and making comments concerning application guidelines for the program year 2001 Texas Community Development Program currently proposed by the Texas Department of Housing and Community Affairs.

City Manager Maclin stated that staff received this identical Resolution from both of the firms that the City uses for consulting relating to Community Development Block Grants, Raymond K. Vann & Associates and Gary Traylor & Associates. Mr.

Maclin stated that this Resolution expresses some concerns about the proposed regulations from the Texas Department of Housing and Community Affairs as it relates to the Young vs Cuomo lawsuit that goes back almost a decade. Mr. Maclin stated that the primary opposition as expressed in this Resolution is that there are some proposals that would adversely impact the amount of funding that our area normally would receive through this program, and is a disproportionate thing that even the plaintiff for the Young lawsuit recommended that they do not adversely impact the other funds normally available to various programs, they just want additional funds to address the lawsuit which is primarily with HUD housing units. Mr. Maclin stated that there are some other items in the Resolution relating to trying to expand the utilization of these funds, and in the past they have strictly been water and sewer program related and almost all the grants that have been granted in recent years have been for water and sewer improvements. Mr. Maclin stated that they are proposing to broaden that to include street and drainage activities, as they did back in the '70's and '80's. Mr. Maclin stated that in passage of this Resolution Council is taking the recommendation of both of the City's consultants to take a position to minimize the adverse impact to the future grants the City of Lufkin would apply for under the Texas Department of Housing and Community Affairs Community Development Block Grant Program.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Resolution expressing a position and making comments concerning application guidelines for the program year 2001 Texas Community Development Program currently proposed by the Texas Department of Housing and Community Affairs be approved as presented. A unanimous affirmative vote was recorded.

**12. LOCAL LAW ENFORCEMENT BLOCK GRANT - APPROVED - FISCAL YEAR 1999 - LUFKIN POLICE DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was a Local Law Enforcement Block Grant for fiscal year 1999 to the Lufkin Police Department.

City Manager Maclin stated that included in the Council packet is a memo from Sgt. Harold Cottle regarding this particular Law Enforcement Block Grant, and a notation of the members of the Local Law Enforcement Block Grant Advisory Board, which includes representatives from the Police Department, the District Attorney's Office, the Municipal Court, LISD, and the Alcoholic and Drug Abuse Council, and a list of expenditures of the items they have identified that they feel like would be of the most benefit for the Police Department.

Chief Collins stated that this is the third year in a row that the Police Department has been eligible for, and applied for, funding of the local Law Enforcement Block Grant. Chief Collins stated that the amount of the grant is approximately \$63,000. Chief Collins stated that there is a provision under the Local Law Enforcement Block Grants that a single entity within a County, if they are the only recipient of Federal funds, other entities in the County can make a claim against that money. Chief Collins stated that this year the Angelina County Sheriff's Office has filed on this money and will be getting 50% of it. Chief Collins stated that the reason that they are eligible is that it is called a disparity impact, the fact that the City is getting Federal money and using it to buy technology that improves the Police Department, this improvement causes disparity to the County.

Chief Collins stated that the Department had pared down their "wish list" from \$63,000 to \$31,000, and the big ticket item on this year's request is for turning targets so that they can begin training Officers on the "shoot/don't shoot" decision-making techniques. Chief Collins stated that the next big item is the gang file program and digital cameras that will be used by the gang investigators and patrol officers to document and monitor gang activity and keep track of that activity in a computer program.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Lynn Torres that the Local Law Enforcement Block Grant for fiscal year 1999 to the Lufkin Police Department be approved as presented. A unanimous affirmative vote was recorded.

**13. BID - APPROVED - INDUSTRIAL TUB GRINDER - SOLID WASTE DEPARTMENT - INDUSTRIAL DISPOSAL SUPPLY**

Mayor Bronaugh stated that the next item for consideration was bids for an industrial tub grinder to be used in the Solid Waste Department.

City Manager Maclin stated that included in the Council packet is the bid tabulation for this item, and the staff recommendation is to award the low bid of Industrial Disposal Supply in the amount of \$417,120.

In response to question by Councilmember Bowman, Mr. Maclin stated that the City has the small tub grinder and will continue to use it, and this is a larger piece of equipment.

In response to question by Mayor Bronaugh, Dennis Webster stated that the City has rented out the tub grinder in the past and will continue to do so with the small grinder. Mr. Webster stated that the tub grinder that is being considered tonight is large enough that if it is moved it will require a permit to do so. Mr. Webster stated that during the storm the City experienced a few years ago staff realized that the piece of equipment that we started with was adequate for composting but was not adequate enough to facilitate the large pieces of brush that was coming to Recycling. Mr. Webster stated that they were burning the large pieces of stumps and brush, but TNRCC instructed them otherwise. Mr. Webster stated that the piece of equipment he is recommending is large enough to take care of anything they can put in it. Mr. Webster stated that the City of Longview has contacted him in regard to renting the small grinder to them, and he will go through the proper channels for authorization if this materializes.

In response to question by Councilmember Gorden, Mr. Webster stated that he is composting most of the material he receives and is selling the rest to a wood chip mill in Alexandria, Louisiana.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the bid of Industrial Disposal Supply in the amount of \$417,120 be approved as submitted. A unanimous affirmative vote was recorded.

**14. BID - APPROVED - HYDRAULIC EXCAVATOR - EAST TEXAS MACHINERY**

Mayor Bronaugh stated that the next item for consideration was bids for a hydraulic excavator.

City Manager Maclin stated that the staff recommendation is to award the bid of East Texas Machinery in the amount of \$128,950. Mr. Maclin stated that this is the only bid that met all the specifications of the City.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Dennis Robertson that bid of East Texas Machinery in the amount of \$128,950 be approved as submitted. A unanimous affirmative vote was recorded.

**15. EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 5:53 p.m. to enter into Executive Session. Regular Session was reconvened at 6:30 p.m. and Mayor Bronaugh stated that Councilmembers had discussed personnel and real estate matters and no decisions were made.

16. COMMENTS

City Manager Maclin stated that Friday will be the observed holiday for Christmas and the recycling pickup normally on Thursday would be picked up on Wednesday. The Friday route would be picked up on Thursday.

City Manager Maclin stated that on Friday, December 31st, the City will be open for business, and New Year's Day will be observed on Monday. Mr. Maclin stated that starting at 8:00 p.m. the EOC center will be open.

17. There being no further business for consideration, meeting adjourned at 6:33 p.m.



Louis Bronaugh  
Mayor

ATTEST:

  

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Atha Stokes Martin - City Secretary