MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF SEPTEMBER, 1992 AT 5:00 P.M.

On the 1st day of September, 1992 the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chamber of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Larry Kegler	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Tucker Weems	Commissioner, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Dr. Gary Halbrook, Samaritan Counseling Center.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Called Meeting of August 12, 1992, and Regular Meeting of August 18, 1992, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. **CERTIFICATE OF COMMENDATION-BILLY LEE CERTIFICATES OF APPRECIATION-HURRICANE ANDREW**

Mayor Bronaugh presented a Certificate of Commendation to Billy Lee, in recognition of his unselfish dedication to the citizens of Lufkin by providing numerous charitable locksmith services.

Mayor Bronaugh presented Certificates of Appreciation to the following individuals, churches and organizations who opened their doors to house the evacuees, contributed an extensive amount of time and/or their property and contributed large amounts of food for the evacuees during Hurricane Andrew:

Salvation Army - Captain Paul White
Civic Center - Ruth Brandenburg
Denman Avenue Baptist Church - Rev. Charles Roberts
First United Methodist Church - Rev. James McPhail
First Baptist Church - Phyllis Gamble
First Assembly of God Church - Rev. Todd Hudnall
Senior Citizens Center - Carla Hight
Harmony Hill Baptist Church - Rev. John Green
Herty Baptist Church - Rev. Bill McCall
Knights of Columbus - Robert Flores
Glad Tidings Assembly of God Church - Rev. Michael Shields
First Presbyterian Church - Dr. Dewey Bowen
First Church of the Nazarene - Rev. Jim Borough
Pentecostal Campground - Rev. Harris Graeber
Providence Baptist Church - Rev. John Withem
Land O' Pines - John Henderson
Boles Food Market - David Boles
Memorial Medical Center - Jack C. Bailey

Woodland Heights Hospital - Ron Butler
Lufkin Independent School District
Junior High East - Dr. Robert Toney
American Red Cross - Glenda Phillips
Shelter Manager - Kenny Stovall

Mayor Bronaugh recognized City employees that gave of their time to assist with registration: Molly Hicks, Maxine Peters, Medallion Poteet, Steve Abraham, Debbie Vance and Barry Vance.

Mayor Bronaugh recognized media personnel that offered their full support and help:
KLSB - Stuart Stanley and Lee McClaren
KTRE - Tracy Capps, Scott Cooper, Leslie Hutson and Steve Jackson
KICKS - Dawn Christie
Lufkin Daily News - Jackie Casper
KSWP - Billy Baldwin and Jim Miller
KFOX - Jana Stone
KJCS - Norm Johnson
KUEZ - Rob Myers
Cablecom - Wayne Neal

Mayor Bronaugh read a letter from the Mayor of the City of Port Arthur expressing gratitude on behalf of the citizens of Port Arthur for the generous hospitality shown by the people of Lufkin during the hurricane emergency.

5. **ORDINANCE - APPROVED - SECOND READING - STREET CLOSING - LAUREL STREET (IMMEDIATELY EAST OF TIMBERLAND DRIVE) - JIM ARNOLD - BROOKSHIRE BROS.**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to vacate a portion of Laurel Street lying immediately East of Timberland Drive as requested by Jim Arnold on behalf of Brookshire Brothers.

City Manager Maclin stated that at the request of Commissioner Boyd at the last Commission meeting, a traffic count had been conducted on that portion of Laurel Street that was to be closed.

City Planner Abraham stated that the City staff had conducted a 24-hour traffic count on Laurel Street from 7:00 a.m. on August 25, 1992 until 7:00 a.m. on August 26, 1992 to determine: (1) The amount of traffic on Laurel Street; (2) What percentage of the total traffic on Laurel Street had Brookshire Bros. as either a destination or departure point; (3) What percentage of the total traffic could be attributable to the Brookshire Bros. construction currently taking place; and, (4) What percentage of the total traffic used Laurel Street to travel somewhere else.

Mr. Abraham stated that there were 625 vehicles crossing the counter closest to Timberland Drive, and 526 vehicles crossing the counter closest to Everitt Street within the 24-hour period. Mr. Abraham stated that the difference could be attributed to construction vehicles tripping the counter several times, and a certain number of vehicles having a destination between the two counters.

In response to question by Commissioner Boyd, Mr. Abraham stated that the fair market value of the street has been provided to the applicant.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Percy Simond that Ordinance be approved on Second and Final Reading as presented.

The following vote was recorded:
Aye - Commissioners Gorden, Simond, Weems, Kegler, Bowman

and Mayor Bronaugh
Nay - Commissioner Boyd

Motion carried by a vote of 6 to 1.

6. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - COMMERCIAL, SPECIAL USE (CERAMIC SHOP) TO CENTRAL BUSINESS - 115 E. LUFKIN AVENUE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Zone Change from Commercial, Special Use (Ceramic Shop) to Central Business on property described as Lot 17, Block 9, Original Town of Lufkin, and more commonly known as 115 E. Lufkin Avenue, as requested by Dixon Abney.

There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmation vote was recorded.

7. **APPROPRIATIONS ORDINANCE - APPROVED - SECOND READING**

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Appropriations Ordinance.

Motion was made by Commissioner Tucker Weems and seconded by Commissioner Bob Bowman that Appropriations Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. **TAX LEVYING ORDINANCE - APPROVED - SECOND READING**

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Tax Levying Ordinance for Fiscal Year 1992-93.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Tucker Weems that Tax Levying Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. **ORDINANCES - APPROVED - SECOND READING - SANITATION RATE INCREASE - WATER RATE INCREASE (RESIDENTIAL & COMMERCIAL) - SEWER RATE INCREASE - WATER DEPOSIT FEE INCREASE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinances increasing the sanitation rate, water rate (residential and commercial), the sewer rate, and the water deposit fee rate.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Tucker Weems that Ordinances increasing the sanitation rate, water rate (residential and commercial), the sewer rate and the water deposit fee rate be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

10. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO RESTRICTIVE PROFESSIONAL OFFICE - DR. RICHARD GALLAS/MARIAN JOAN GALLIS - 3810 SOUTH MEDFORD DRIVE**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a change of zoning from Residential Large to Restrictive Professional Office at 3810 South Medford Drive as requested by Dr. Richard Gallas and Marian Joan Gallas.

City Manager Maclin stated that this request had been unanimously recommended by the Planning and Zoning Commission.

Edith Carlton, 514 Card Drive, appeared in opposition to the Restrictive Professional Office Ordinance.

City Planner Stephen Abraham stated that Dr. Gallas had appeared before the Planning & Zoning Commission to request a Zone Change from Residential Large to Local Business. Dr. Gallas stated that he would be agreeable to a RPO zoning classification, however the .570 acre tract of land did not meet the minimum lot size of one acre and 200 foot minimum street frontage requirements and an application could not be made at that time. Dr. Gallas appeared before the Zoning Board of Adjustment & Appeals and received a variance to the one acre minimum lot size and 200 foot minimum street frontage requirements based on the fact that no such regulations existed for non-residential property at the time the property was purchased, and no contiguous undeveloped property was available in order that they might comply with these new regulations. Mr. Abraham stated that Dr. Gallas is appearing before the City Commission to request a RPO zoning classification.

Mr. Abraham stated that the RPO zoning classification is the most restrictive non-residential zoning classification that complies with the Comprehensive Plan's recommendation that the long range land usage in this area be "Commercial". Mr. Abraham state that the RPO district also more closely replicates the existing land usage in the vicinity. Mr. Abraham stated that the RPO zoning classification is an attempt to provide the greatest protection possible to the property owners.

In response to question by Commissioner Simond, Dr. Gallas stated that at this point he does not have a buyer or a developer for the property.

Mr. Abraham stated that the three primary uses under the RPO Ordinance are: (1) Office, Professional and Administrative; (2) Clinic, Medical and Dental (No facilities for overnight patients); and, (3) Financial institution without motor bank. Mr. Abraham stated that under the RPO Ordinance there are five uses that would require Special Use zoning, and they are (1) Eating establishments (inside service only); (2) Private club; (3) Indoor commercial recreation and entertainment, (4) Day nursery, and (5) Motor bank.

Mayor Bronaugh stated that there are presently three Special Use zones in the immediate area of Mrs. Carlton's residence that have been very good neighbors, and he hoped that she would have faith in the system that the RPO would work as well.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. **ORDINANCE - APPROVED - FIRST READING - D & H CONTRACTING COMPANY - WALTER TURNER - SPECIAL USE PERMIT - LIGHT MANUFACTURING - 1813 AND 1905 NORTH RAGUET.**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a Special Use Permit for a salvage yard within a Light Manufacturing zoning district located at 1813 and 1905 North Raguet.

City Manager Maclin stated that this request had been unanimously recommended by the Planning and Zoning Commission with the following conditions: (1) The operation of the salvage yard shall not exceed the area limitation as shown on the proposed site plan; (2) All outside activity associated with the salvage yard shall be conducted only between the hours of 7:00 a.m. and 10:00 p.m.; and, (3) A solid sight bearing fence shall be erected to a minimum height of six (6) feet as shown on the proposed site plan.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner

Don Boyd that Ordinance be approved on First Reading a presented. A unanimous affirmative vote was recorded.

12. **ORDINANCE - TABLED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - VIRGINIA HAYS NELSON - FEAGIN DRIVE (BETWEEN 1603 AND 1615)**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a change of zoning from Residential Large to Commercial, on approximately 12.56 acres of land located on the east side of Feagin Drive between 1603 and 1615 Feagin Drive, as requested by Virginia Hays Nelson.

City Manager Maclin stated that this item had been tabled by the Planning and Zoning Commission until September 14, 1992 in order that the request may be amended to provide for less intensive use of the property and site plan approval.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Larry Kegler that Ordinance be tabled until next meeting of the Commission. A unanimous affirmation vote was recorded.

13. **AMENDMENT - APPROVED - COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 1146) - OFF-STREET PARKING - CENTRAL BUSINESS ZONING DISTRICT**

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Comprehensive Zoning Ordinance (Ordinance No. 1146) relating to off-street parking requirements in the Central Business zoning district.

City Planner Abraham stated that basically the Ordinance considers all existing parking arrangements acceptable, but requires new structures to provide adequate off-street parking in the ratio currently required. The Ordinance will only affect structures in the Central Business Zoning Districts.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Amendment to Comprehensive Zoning Ordinance (Ordinance No. 1146) be approved as presented. A unanimous affirmative vote was recorded.

14. **AMENDMENT - APPROVED - COMPREHENSIVE ZONING ORDINANCE - ORDINANCE NO. 1146 - TEMPORARY USES**

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Comprehensive Zoning Ordinance (Ordinance No. 1146) relating to temporary uses.

City Planner Abraham stated that the purpose of this Ordinance is to clarify the rules under which a "Temporary Use" is allowed. Mr. Abraham stated that the proposed Ordinance places temporary uses that last no more than 10 days under the "Residential Large" zoning district but at the discretion of the Planning and Zoning Commission, and uses that last more than 10 days would require appropriate zoning.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Amendment to the Comprehensive Zoning Ordinance (Ordinance No. 1146) be approved as presented. A unanimous affirmative vote was recorded.

15. **AMENDMENT - APPROVED - COMPREHENSIVE ZONING ORDINANCE - ORDINANCE NO. 1146 - "DEVELOPMENT" DEFINED**

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Comprehensive Zoning Ordinance (Ordinance No. 1146) relating to the definition of "Development".

City Planner Abraham stated that the purpose of this Ordinance is to provide a mechanism for the enforcement of the Restrictive Professional Office Zoning District. Mr. Abraham stated that the RPO states that prior to beginning any "development" on a building site, a comprehensive site plan must be approved. Mr. Abraham stated that currently the Comprehensive Zoning Ordinance does not define what constitutes development.

Mr. Abraham stated that this Ordinance makes clear the intent that no improvements of any nature will be allowed on property zoned RPO prior to site plan approval and bolsters the ability to enforce any violation. Mr. Abraham stated that the general applicability of this Ordinance is limited to the RPO district at this time.

Woody Gann, local developer, was present and requested clarification on the phrase "repealing all ordinances in conflict herewith and establishing an effective date" in the caption of the proposed Ordinance.

Commissioner Bowman requested that staff underline future changes in Ordinances to more clearly reflect where the changes are. Mr. Abraham stated that he would make every effort to comply with this request.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Amendment to the Comprehensive Zoning Ordinance (Ordinance No. 1146) be approved as presented. A unanimous affirmative vote was recorded.

16. **RESOLUTION - APPROVED - CONDEMNATION PROCEDURES**

Mayor Bronaugh stated that the next item for consideration was Resolution authorizing Johnny Frank Medford to make a final offer to land owners on Chestnut Street, and to proceed with condemnation in the event an equitable resolution cannot be reached.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

17. **RESOLUTION - APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION - STEP GRANT - 75/25 MATCH**

Mayor Bronaugh stated that the next item for consideration was a Resolution for continuance of the STEP grant with a 75/25% match.

City Manager Maclin stated that the 25% match by the City may be an in-kind contribution from existing budgeted expenses.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Resolution be approved as presented. A unanimous affirmative vote was recorded.

18. **RESOLUTION - APPROVED - HOME 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 application to the Texas Department of Housing and Community Affairs.

Code Enforcement Office Kenneth Williams stated that he will be presenting nine (9) homes for approval at the next Commission meeting as recommended by the Neighborhood Improvement Committee. City Manager Maclin stated that this grant is for a much larger target area than the previous grant for North Lufkin.

In response to question by Commissioner Gorden, City Manager Maclin stated that the $60,000 cash contribution by the City will not come out of this fiscal year's budget.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

19a. **BID - APPROVED - VIDEO TAPES - POLICE DEPARTMENT - WAL-MART**

Mayor Bronaugh stated that the next item for consideration was a bid for video tapes to be used in the Police Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Wal-Mart in the amount of $11,340. Chief Collins stated that the tapes were being paid for with forfeited and donated monies.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that bid of Wal-Mart in the amount of $11,340 be accepted as submitted. A unanimous affirmative vote was recorded.

19b. **BID - APPROVED - CIVIC CENTER - PANEL WALL REPAIR - DIXIE DOOR**

Mayor Bronaugh stated that the next item for consideration was bid for the repair of the panel wall at the Civic Center.

City Manager Maclin stated that staff recommendation is to award the low bid of Dixie Door in the amount of $18,900.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Larry Kegler that bid of Dixie Door in the amount of $18,900 be accepted as submitted. A unanimous affirmative vote was recorded.

19c. **BID - APPROVED - WATER POLLUTION CONTROL DEPARTMENT - OFF-SET DISC - JASPER EQUIPMENT CO.**

Mayor Bronaugh stated that the next item for consideration was bids for an off-set disc to be used in the Water Pollution Control Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Jasper Equipment Co. in the amount of $4,545.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Jasper Equipment Co. in the amount of $4,545 be accepted as submitted. A unanimous affirmative vote was recorded.

19d. **BID - APPROVED - WATER & SEWER DEPARTMENT - PIPE AND MATERIALS - INTERNATIONAL SUPPLY - BELL OAKS SUBDIVISION/FARM ROAD 58 PROJECTS**

Mayor Bronaugh stated that the next item for consideration was bids for pipe and materials for the Bell Oaks Subdivision and Farm Road 58 projects.

City Manager Maclin stated that staff recommendation is to award the bid of International Supply in the amount of $19,753.81. (The low bid did not include everything that the specifications required.)

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Percy Simond that bid of International Supply in the amount of $19,753.81 be accepted as submitted. A unanimous affirmative vote was recorded.

19e. **BID - APPROVED - STREET DEPARTMENT - CORRUGATED METAL PIPE - TEXAS STEEL CULVERT COMPANY, INC. - CENTRAILIA AVENUE**

Mayor Bronaugh stated that the next item for consideration was bids for corrugated metal pipe to be used in the Street Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Texas Steel Culvert Company, Inc. in the amount of $7,814.10.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Tucker Weems that bid of Texas Steel Culvert Company, Inc. in the amount of $7,814.10 be accepted as submitted. A unanimous affirmative vote was recorded.

20. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 6:20 p.m. to enter into Executive Session. Regular session was reconvened at 6:43 p.m. Mayor Bronaugh stated that the Commission had discussed attorney-client matters and real estate.

21. **COMMENTS**

Commissioner Bowman stated that he was impressed with the article in Sunday's Lufkin Daily News regarding the Concerned Black Men of Lufkin, which featured City employees: Assistant City Manager/Finance Darryl Mayfield, Code Enforcement Officer Kenneth Willliams, and Police Officers Ralph Bean and Mickey Hadnot.

Commissioner Gorden stated that he would like to commend City Manager Maclin and Parks & Recreation Director Don Hannabas for their work on the Parks Grant Application which was awarded first place in the State. Mayor Bronaugh stated that he appreciated Commissioners Kegler and Gorden taking the time out of their busy schedules to attend this awards meeting in Austin with members of the staff.

City Manager Maclin reminded Commissioners of the First Friday luncheon, September 4th at Crown Colony.

22. There being no further business for consideration, meeting adjourned at 6:46 p.m.

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary