

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
2ND DAY OF JUNE, 1998 AT 5:00 P. M.

On the 2nd day of June, 1998 the City Council of the City of Lufkin, Texas, convened in a regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth Williams	Director of Public Works

being present when the following business was transacted.

1. Meeting was opened with prayer by Billy Dunn, Chaplain, Lufkin State School.
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 May 19, 1998 be approved as presented. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL MEDIUM SINGLE FAMILY TO LOCAL BUSINESS - LOTS 4 AND 5 - BLOCK 3 - OAKLAND ADDITION - FRANK AVENUE AND MOORE AVENUE - BRUCE SHELBY - JEAN Mc VICKER

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RL" Residential Medium Single Family to "LB" Local Business on Lots 4 and 5, Block 3, of the Oakland Addition (generally located on Moore Avenue east of Bynum Street) and the vacated alley between Frank Avenue and Moore Avenue, extending from Bynum to Bledsoe Street as requested by Bruce Shelby on behalf of Jeane McVicker et al.

Dean Leggett was present representing the request.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "RM" Residential Medium Single Family to "LB" Local Business on Lots 4 and 5, Block 3 of the Oakland Addition (generally located on Moore Avenue east of Bynum Street) and the vacated alley between Frank Avenue and Moore Avenue, extending from Bynum to Bledsoe Street be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL MEDIUM SINGLE FAMILY TO COMMERCIAL - ATKINSON DRIVE AND MOFFETT ROAD - MIKE HAMILTON - CHAMPION INTERNATIONAL CORP.

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RM" Residential Medium Single Family to "C" Commercial on approximately 3.20 acres of land located at the northwest corner of the intersection of Atkinson Drive (Hwy. 103) and Moffett Road (Hwy. 842) as requested by Mike Hamilton of Champion International Corp.

Mike Hamilton was present representing the request.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "RM" Residential Medium Single Family to "C" Commercial on approximately 3.20 acres of land located at the northwest corner of the intersection of Atkinson Drive (Hwy. 103) and Moffett Road (Hwy. 842) as requested by Mike Hamilton of Champion International Corp. be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - COMMUNICATIONS TOWER - COMMERCIAL DISTRICT - LOT 2 - BLOCK 1 - LUFKIN S. E. SUBDIVISION - MYRNA AND CHURCH STREETS - SHEP POULAND - GTE MOBILNET - ROBERT RAUSCH

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to grant a Special Use Permit for a "communications tower" within a "C" Commercial District located on Lot 2, Block 1 of the Lufkin S. E. Subdivision, and generally located northeast of the intersection of Myrna and Church Street as requested by Shep Pouland of GTE Mobilnet on behalf of Robert S. Rausch.

Shep Pouland was present representing the request.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance for a Special Use Permit for a "communications tower" within a "C" Commercial District located on Lot 2, Block 1 of the Lufkin S. E. Subdivision, and generally located northeast of the intersection of Myrna and Church Streets be approved on Second and Final Reading with the following stipulations: 1) A certificate of operations be obtained from the Federal Aviation Administration (FAA) prior to the construction of the tower; 2) The maximum height of the communications tower shall be 150 feet; 3) The tower shall be enclosed by an 8 foot tall chain link fence constructed no closer than the building line as established on the site plan; 4) There shall be planted and maintained, 5 gallon shrubbery along the perimeter of the fence, as shown on the site plan; and, 5) The property shall be developed according to the attached site plan. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - DUPLEX TO RESIDENTIAL SMALL SINGLE FAMILY DISTRICT - LOTS 6 THROUGH 9 - POWELLS RESUBDIVISION - KELTYS STREET - HIGHLAND AVENUE - VIRGINIA LEWIS

Mayor Bronaugh stated that the next item for consideration was the request of Virginia Lewis to change the zoning from "D" Duplex to "RS" Residential Small Single Family District on Lots 6 through 9 of the Powells Resubdivision and generally located at the northeast corner of the intersection of Keltys Street and Highland Avenue.

City Manager Maclin stated that included in the Council packet was a memorandum of explanation from the Planning Department and a unanimous recommendation

of approval by the Planning & Zoning Commission.

Virginia Lewis was present representing the request.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "D" Duplex to "RS" Residential Small Single Family District on Lots 6 through 9 of the Powells Resubdivision and generally located at the northeast corner of the intersection of Keltys Street and Highland Avenue be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO RESTRICTIVE PROFESSIONAL OFFICE DISTRICT - CARD AND TULANE DRIVES - SPENCER KNUTSON

Mayor Bronaugh stated that the next item for consideration was request of Spencer Knutson to change the zoning from "RL" Residential Large Single Family to "RPO" Restrictive Professional Office District on property located at the southeast corner of the intersection of Card and Tulane Drives.

City Manager Maclin stated that included in the Council packet was a memorandum of explanation from the Planning Department with a unanimous recommendation of approval from the Planning & Zoning Commission.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from "RL" Residential Large Single Family District to "RPO" Restrictive Professional Office District on property located at the southeast corner of the intersection of Card and Tulane Drives be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - WATERWORKS AND SEWER SYSTEM REVENUE - CERTIFICATES OF OBLIGATION, SERIES 1998

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance authorizing the issuance of "City of Lufkin, Texas, Tax and Waterworks and Sewer System (Limited Pledge) Revenue Certificates of Obligation, Series 1998", specifying the terms and features of said certificates providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues from the operation of the City's Waterworks and Sewer System; and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said Certificates, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of an Official Statement; and providing an effective date.

City Manager Maclin stated that passage of this Ordinance is the next step in the issuance of the combination tax and revenue bonds for projects that Council has previously discussed including: Drainage detention ponds, street improvements, fire station improvements from the General Fund; Extension of sewer service on Brentwood in the Utility Fund; and, construction of the new Solid Waste facility in the Solid Waste Fund.

City Manager Maclin stated that the Second Reading of this Ordinance and competitive bidding will be opened at the next Council meeting on June 16th, at which time the City will know what the interest rates will be for the issuance of these funds.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance authorizing the issuance of "City of Lufkin, Texas, Tax and Waterworks and Sewer System (Limited Pledge) Revenue

Certificates of Obligation, Series 1998", specifying the terms and features of said certificates providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues from the operation of the City's Waterworks and Sewer System; and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said Certificates, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of an Official Statement, and providing an effective date be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. AMENDMENT - APPROVED - FIRST READING - DRAINAGE CRITERIA ORDINANCE

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Drainage Criteria Ordinance.

City Manager Maclin stated that this item was discussed at the Council retreat last month by the City Engineer. City Manager Maclin stated that this first Ordinance provides for some minor modifications particularly involving lot grading and drainage.

Keith Wright, City Engineer, stated that basically these are the same four items that were discussed based on the year or so that the City has implemented the Drainage Criteria Manual. Mr. Wright stated that it was staff's opinion that there were some things that could be done in order to be more reasonable and fair, on the smaller projects in particular. Mr. Wright stated that the first item is a slab height requirement reduced from 12 inches to eight inches, which matches the Standard Building Code requirement. Mr. Wright stated that this section also provides for some lot grading, which requires a 1/2 foot fall within 10 feet on one of two conditions: Whether the lot is graded away from the road or towards the road which gives extra protection on the building. Mr. Wright stated that he has also changed the floor elevations that they will now be at least one foot above the design water surface elevation or computed base flood elevation in any adjacent drainage facility (typically the 100-year base flood elevation). Mr. Wright stated that the other proposal would be for small developments (14,000 square feet or less of impervious cover, including the building and all drives), that the developer would not be required to do a drainage analysis, and a credit would be given for that amount of square footage. Mr. Wright stated that the other requirement is just a technical requirement on calculating unit hydrograph methodology.

In response to question by Councilmember Gorden, Mr. Wright stated that basically the credit allows for a certain limit of increase without mitigation.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the Amendment to the Drainage Criteria Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - REGIONAL DETENTION MITIGATION ORDINANCE

Mayor Bronaugh stated that the next item for consideration was First Reading of the Regional Detention Mitigation Ordinance.

City Manager Maclin stated that included in the Council packet is a draft of what will be a new Ordinance in addition to the Drainage Ordinances. City Manager Maclin stated that this Ordinance provides for a developer to build or purchase capacity in the City's regional detention ponds and thereby avoid onsite detention if they can meet certain criteria within the influence of that particular regional detention facility. City Manager Maclin stated that this Ordinance had been implemented by the City of Pearland this last year, and the City of Longview is

moving towards an Ordinance of a very similar nature. City Manager Maclin stated that it is staff's opinion that this can, in some cases, particularly on very small developments, provide an alternative to onsite detention, but accomplish the same net result.

Mr. Wright stated that one of the biggest complaints the City receives is the numerous amount of smaller detention facilities that would have to be maintained, and this is an option (but will not work in every case) to allow for volume to be sold and offset the increase in runoff in the Regional Detention Facility. Mr. Wright stated that the main two criteria will be if there is any kind of a localized flooding condition where the development is occurring that would have to be taken care of first before they can be allowed to purchase volume in the Regional Detention Facility. Mr. Wright stated that the other criteria is that they would have to be in a certain zone of influence where the Regional Detention Facility has the impact on adjacent streams and creeks.

Councilmember Gorden stated that this is a great idea and appreciates the City Engineer's adding this Ordinance.

In response to question by Councilmember Gorden if someone opts to purchase volume in the detention ponds would the City take that money and pay it directly on the City's indebtedness or would it be set aside for future needs of adding these types of facilities, Mr. Wright stated that the City would set aside the money to immediately attenuate their development by doing some excavation in the regional facility. Mr. Wright stated that he would take two bids as a minimum for the dirt work that is required and would come up with a development agreement between the City and the developer to be approved by the City Attorney, hopefully a standard format. Mr. Wright stated that two bids would be taken for dirt work, excavation and haul of that excavation, to a borrow area and that would be the cost the developer would incur, which would be done immediately upon receiving the funds.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the Regional Detention Mitigation Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. BID - APPROVED - TULANE DRIVE - MOORE BROTHERS

Mayor Bronaugh stated that the next item for consideration was award of bid for Tulane Drive.

City Manager Maclin stated that as discussed previously the length of Tulane, from what is now Timberland at Grandys to White House, will be divided up into three segments (1) From the Loop south to Harmony Hill (2) From the Loop north to Timberland and (3) From Harmony Hill south to White House.

City Manager Maclin stated that the Project Engineer's and staff's recommendation is to award the low bid of Moore Brothers (Option 2 for asphalt paving with limestone base) in the amount of \$2,417,065.56.

Mayor Bronaugh stated that this will be a highly traveled street and all of a sudden the street will be in the middle of Kiwanis Park. Mayor Bronaugh asked if there was some way that a retaining fence could be installed to keep children from getting out into the street. City Manager Maclin stated that when MLK was designed a vinyl wrapped cyclone fence was designed to replace the old concrete fence. City Manager Maclin stated that when MLK is completed the fence will extend from the north end of Jones Park all the way to Kurth Drive. City Manager Maclin stated that if Council likes this fence then the fencing could be added to do the same perimeter at the park. City Manager Maclin stated that the difference from now is that there will be a curb which will provide a natural barrier that currently does not

exist.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that the recommendation of staff to award the bid of Moore Brothers in the amount of \$2,417,065.46 for the construction of Tulane Drive be approved a submitted. A unanimous affirmative vote was recorded.

In response to question by Councilmember Gorden, City Manager Maclin stated that sidewalks were not included in this bid. City Manager Maclin stated that if Council wanted sidewalks the length of David Street it would cost between \$6,000-7,000. City Manager Maclin stated that the portion on David is the only bona fide residential section on the entire length of the street. City Manager Maclin stated that if Council would like, staff could go back and poll the residents on David Street as to whether they would like a sidewalk or not. City Manager Maclin stated that before there were mixed emotions, some wanted the sidewalks because they felt it would be aesthetically pleasing, and some felt like it would encourage foot traffic to Walmarts. City Manager Maclin stated that if the majority of people want sidewalks staff will come back to Council with a Change Order.

13. PURCHASE OF NEW PUMP - APPROVED - WATER WELL #3 - LAYNE CHRISTENSEN COMPANY

Mayor Bronaugh stated that the next item for consideration was the purchase of a new pump for Water Well #3.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer that was provided to Council several weeks ago to make them aware of a concern with Water Well #3. City Manager Maclin stated that there were several different options as far as replacement of the pump at Well #3 and staff felt like the best long term solution was to go with the submersible pump that was built to much stronger specifications. City Manager Maclin stated that previous pumps the City has used did not provide a long term lifespan and created problems for the City. City Manager Maclin stated that the City Engineer has provided a proposal from Layne Christensen Company including the pump and cleaning of the well for \$136,704. City Manager Maclin stated that if additional complications are discovered staff will come back to Council. City Manager Maclin stated that if the sonar jet is not required there will be a \$9,000 savings off of the proposal amount.

City Manager Maclin stated that on the Council table is a Water Usage Comparison showing that the City is pumping water at record breaking rates. City Manager Maclin stated that last Friday the City pumped over 12 mgd for the first time in a single day in the history of the City.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that authorization be given to purchase a new submersible pump for Water Well #3 from Layne Christensen Company in the amount of \$136,704 with funding from Fund 47 (1994 Utility Fund Revenue Bonds). A unanimous affirmative vote was recorded.

In response to question by Councilmember Gorden, Mr. Wright stated that he has been assured by Layne Christensen that the pump will be delivered and installed in the next four weeks.

14. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:30 p.m. to enter into Executive Session. Mayor Bronaugh reconvened Regular Session at 6:02 p.m. and stated that Councilmembers had discussed appointments to Boards and Commissions and attorney/client matters.

15. APPOINTMENTS - APPROVED - TREE BOARD - BETTY JONES - JACK GORDEN, JR.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that R. L. Kuykendall be appointed to the Tree Board, and that Betty Jones be reappointed to the Tree Board. A unanimous affirmative vote was recorded.

16. APPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS - ROTLEY TANKERSERLEY - LUTHER DEBERRY

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Luther DeBerry and Rotley Tankersley be reappointed to the Zoning Board of Adjustment and Appeals. A unanimous affirmative vote was recorded.

17. COMMENTS

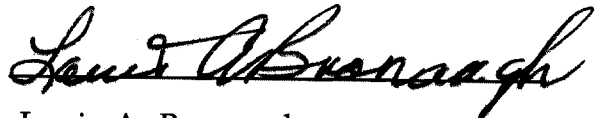
Councilmember Boyd stated that he had received a printout from the National League of Cities encouraging cities to pass a Resolution supporting their core beliefs. Mayor Bronaugh instructed staff to place this item on the next agenda.

City Manager Maclin stated that Councilmembers will be receiving an invitation to attend a ground breaking ceremony for the new Animal Control facility next Wednesday, June 10th at 9:00 a.m.

City Manager Maclin stated that staff was requesting some possible meeting dates from Council to schedule budget meetings with Department Heads. The dates of July 6 - 15 were suggested.

Mayor Bronaugh reminded Councilmembers of the First Friday luncheon, Friday, June 5th at Crown Colony.

18. There being no further business for consideration, meeting adjourned at 6:06 p.m.



Louis A. Bronaugh
Mayor

ATTEST:



Atha Stokes - City Secretary