

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
18TH DAY OF MAY, 1999 AT 5:00 P. M.

On the 18th day of May, 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 No. 1
Don Boyd	Councilmember, Ward No. 2
Betty Jones	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
Bob Flournoy	City Attorney
Atha Stokes Martin	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 Rev. Nolan Duck, Pastor, First Baptist 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 May 4, 1999, be approved as presented. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF GIDEON BIBLES TO PUBLIC SAFETY OFFICIALS**

Mayor Bronaugh stated that the first item for consideration was the presentation of Gideon Bibles to Public Safety Officials.

Mayor Bronaugh recognized Scotty Beard, who presented the military testament of the Gideon Bible to Police Chief Sherman Collins. Gideons in attendance were Herman Chalker, Tim Martin, J. C. Mathis, Don Dickerson, and Aubrey Bratten.

5. **AMENDMENT - TABLED - DOWNTOWN PARKING ORDINANCE - COUNTY COURTHOUSE**

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Downtown Parking Ordinance as it relates to the County Courthouse parking.

City Attorney Flournoy stated that he had just today finished the draft of the plat and the drawing of the parking around the court house, and how that is going to be proposed, along with a legal description. Mr. Flournoy stated that he had not had an opportunity to receive a response back from County Judge Joe Berry or the Sheriff's Department. Mr. Flournoy stated that he would ask that this amendment be tabled until the next Council meeting.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Amendment to the Downtown Parking Ordinance

be tabled until the next meeting. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT (ANIMAL KENNEL) - COMMERCIAL ZONING DISTRICT - LOOP 287 AND LANE DRIVE - JOHN MADDOX

Mayor Bronaugh stated that the next item for consideration was the request of John Maddox to amend a Special Use Permit for an animal kennel within a "Commercial" zoning district on approximately 0.811 acres of land located at the southeast corner of Loop 287 and Lane Drive.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department along with maps and photographs showing the area in question. Mr. Maclin stated that basically the Lucky Puppy Company, which offers kennel services and grooming facilities, has been able to acquire some additional property south of their current property in the amount of four tenths of an acre. Mr. Maclin stated that Mr. Maddox would like to add 480 SF and six additional stalls to the existing facility. Mr. Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends approval of the amendment to the Special Use Permit as requested.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to amend a Special Use Permit for an animal kennel within a "Commercial" zoning district on approximately 0.811 acres of land located at the southeast corner of Loop 287 and Lane Drive as requested by John Maddox be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT (PARKING LOT) - RESIDENTIAL LARGE ZONING DISTRICT - 3600 AND 3700 OLD UNION ROAD - TRAVIS FULLER

Mayor Bronaugh stated that the next item for consideration was a request by Travis Fuller to grant a Special Use Permit for a parking lot within a Residential Large zoning district and located between 3600 and 3700 Old Union Road.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department regarding this request. Mr. Maclin stated that there is some history on this site that goes back to March of 1986. Mr. Maclin stated that the applicant is requesting an amendment to the current zoning that would allow for a parking lot. Mr. Maclin stated that this recommendation from the Planning & Zoning Commission, by unanimous vote, recommends approval of this Special Use Permit with three conditions: (1) The parking lot shall be utilized only for employee and customer vehicles and limited to the 2.29 acre portion of the tract as shown on the site plan. Storage and loading of salvage vehicles shall be prohibited. (2) The parking lot shall be enclosed by an eight foot tall sight bearing fence. (3) Lighting shall be prohibited and the existing 15 foot vegetative barrier located along the eastern property line shall remain.

Mr. Maclin stated that because owners of at least 20% of the land within 200 feet of the proposed Special Use Permit have filed written protests, six affirmative votes by the City Council will be required to approve the Special Use Permit.

In response to question by Councilmember Robertson, City Manager Maclin stated that the Special Use Permit is in perpetuity.

In response to question by Councilmember Gorden, Mr. Fuller stated that he was in full agreement with the three conditions attached to his request.

In response to question by Councilmember Robertson, Mr. Fuller stated that he has been using loud speakers for the 19 years he has been at this location and he has

auctions 26 days a year (two auctions a month). Mr. Fuller stated that he was not aware that the auction speaker was causing a problem, and he would address that problem by lowering the volume. Mr. Fuller stated that the reason he needs to change the parking now is mainly for safety reasons. Mr. Fuller stated that the neighbors had indicated that more business would mean more customers, but that is not so in his opinion. Mr. Fuller stated that there is a problem with customers parking too close to the street. Mr. Fuller stated that he already has the fence in place and he left the 15' vegetation barrier. Mr. Fuller stated that he fully intends to be a good neighbor.

In response to question by Councilmember Jones, Mr. Fuller stated that he left a 15' vegetation barrier between his property and the nearest neighbor.

Dan Brieske, who lives at 3600 Old Union Road, stated that his home is approximately 1/10th of a mile from the road, which makes this parking lot almost across from his home. Mr. Brieske stated that he objected to the noise and to the odor of the diesel fuel.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Special Use Permit for a parking lot within a Residential Large zoning district and located between 3600 and 3700 Old Union Road be approved on First Reading with the following conditions: (1) The parking lot shall be utilized only for employee and customer vehicles and limited to the 2.29 acre portion of the tract as shown on the site plan. Storage and loading of salvage vehicles shall be prohibited. (2) The parking lot shall be enclosed by an eight foot tall sight bearing fence. (3) Lighting shall be prohibited and the existing 15 foot vegetative barrier located along the eastern property line shall remain. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - J. C. SUTTLE SURVEY (ABSTRACT NO. 585) - ATKINSON DRIVE AND TEER STREET - TRAYLOR STREET - MEYDON P. LYMBERY

Mayor Bronaugh stated that the next item for consideration was a request of Meydon P. Lymbery to change the zoning from "Residential Large" to "Commercial" on approximately 4.49 acres of land described as Tracts 15 and 19 of the J. C. Suttle Survey (Abstract No. 585) and located on the west side of Loop 287, between Atkinson Drive and Teer Street, and east of Traylor Street.

City Manager Maclin stated that included in the Council packet is the memorandum of explanation from the Planning Department noting that the Comprehensive Plan indicates the subject property is appropriate for non-residential development. Mr. Maclin stated that this request comes to Council from the Planning & Zoning Commission with a unanimous vote for approval of the recommended zone change to Commercial.

Mr. Lymbery stated that he plans to operate a mobile home sales facility along the Loop adjacent to his other sales office after the zone change is approved.

In response to question by Councilmember Robertson, Mr. Lymbery stated that he had not talked to the Highway Department about the ingress and egress at this location, but would try to make it as easy as possible for the public by making the entrance off of the feeder road. Mr. Lymbery stated that actually access to the property is off of the feeder road, you would not be gaining access to the Loop. Mr. Robertson stated that he was concerned about the kind of development along the exist ramps.

In response to question by Mayor Bronaugh, Mr. Abraham stated that the Planning & Zoning Commission had not discussed access, but it is a concern of the Planning Department. Mr. Abraham stated that when the building permit comes in, the

Engineering Department, Planning Department and TxDOT will take a look at the safest possible access. Mr. Abraham stated that the Planning Department did have concerns about Traylor Street since it is not designed for heavy truck traffic and a future business may try to use Traylor Street as access for larger trucks.

Mr. Wright stated that with the new truck route ordinance, a truck driver would have to use the closest truck route which would be Hwy. 103 or the Loop, and they could not use Traylor Street and be legal with the new ordinance. Mr. Wright stated that City staff has met with TxDOT on many occasions in the past few months about access to feeder roads, whether coming on or off the Loop, and they are becoming very restrictive on how they allow that access.

In response to question by Councilmember Robertson, Mr. Abraham stated that the Landscape Ordinance would apply to this development, and the percentage of land not covered by a fixed building is subject to the landscape requirement. Mr. Abraham stated that every piece of non-residential property is subject to the drainage criteria manual. Mr. Abraham stated that whether or not Mr. Lymbery will be required to put in a detention pond or not will not be determined until a plan has been submitted.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 4.49 acres of land described as Tracts 15 and 19 of the J. C. Suttle Survey (Abstract No. 585) and located on the west side of Loop 287, between Atkinson Drive and Teer Street, and east of Traylor Street be approved on First Reading as presented.

The following vote was recorded:

Aye: Councilmembers Boyd, Gorden, Jones, Bowman, Kuykendall and Mayor Bronaugh

Nay: Councilmember Robertson

Motion carried with six affirmative votes.

9. ADOPTION OF 1997 FIRE PREVENTION CODE - 1997 SWIMMING POOL CODE - APPROVED

Mayor Bronaugh stated that the next item for consideration was the adoption of the 1997 Fire Prevention Code and the 1997 Swimming Pool Code.

City Manager Maclin stated that included in the Council packet is a memorandum from the Director of Inspection Services, Beauford Chapman, along with a letter from the Fire Marshal, a brief notation of the Standard Fire Prevention Code changes, and a memo from the City of Lufkin Construction Board of Appeals.

Mr. Chapman stated that when the Council adopted all the other 1997 Codes, for some reason the Fire Prevention Code was excluded, and the adoption of this Code brings the City back in line with the Fire Prevention Codes. Mr. Chapman stated a new Swimming Pool Code had not been adopted since 1976. Mr. Chapman stated that there are a few electrical changes to the Swimming Pool Code.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the 1997 Fire Prevention Code and the 1997 Swimming Pool Code be adopted as presented. A unanimous affirmative vote was recorded.

10. REVISION OF RECORDS CHECK FEES - APPROVED - POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was revision of records check fees from the Police Department.

City Manager Maclin stated that included in the Council packet is a memo of explanation from the Chief of Police and a letter from Don Douglas of the Records Division of the Police Department, noting that 90 to 100 records checks are performed each month. Mr. Maclin stated that basically they are suggesting that the City increase the fee from \$2.00 to \$5.00.

Chief Collins stated that staff is spending between 20 and 25 hours per month providing the records checks for citizens at a current fee of \$2.00 per check. Chief Collins stated that State law sets the fee on accident reports at \$4.00 and a records check is considerably more complicated because you have to make an inquiry to the in-house computer and then go and pull the paper copies of the records. Chief Collins stated that, in his opinion, the fee should be equivalent to that of an accident report, in fact, he would recommend a \$5.00 fee for the records check. Chief Collins stated that if Council chooses to approve this request, he would suggest a starting date to coincide with the new fiscal year.

In response to question by Councilmember Gorden, Chief Collins stated that 90% of the people requesting a records check are apartment projects prior to renting an apartment to a tenant. Chief Collins stated that some medical and nursing home facilities, along with child care facilities sometimes require records checks.

In response to question by Councilmember Jones, Chief Collins stated that all he is asking is to recover the cost for actual processing the delivery of the records checks to the citizen requesting it.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson the revision of record check fees from \$2.00 to \$5.00 as requested by the Police Department be approved as requested.

After further discussion, Councilmember Bowman withdrew his motion.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that the record check fees be revised from \$2.00 to \$8.00, and that it become effective October 1, 1999. A unanimous affirmative vote was recorded.

11. TRANSFER OF VEHICLE - APPROVED - WARRANTS OFFICER - MUNICIPAL COURT

Mayor Bronaugh stated that the next item for consideration was the transfer of a vehicle to the Warrants Officer in Municipal Court.

City Manager Maclin stated that a Warrants Officer was included in the budget for this year, and included in the Council packet is a letter signed by the Municipal Court Judge, the Municipal Clerk and the City Marshal requesting the use of one of the vehicles that will be auctioned off when the Police vehicles are replaced.

In response to question by Councilmember Boyd, Judge Sloan stated that Officer McLendon has been sharing a pool car.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that the transfer of a vehicle to the Warrants Officer in Municipal Court be approved as requested. A unanimous affirmative vote was recorded.

Judge Sloan stated that he would like to give a brief report on the activities of the Warrants Officer Rhonda McLendon. Judge Sloan stated that Rhonda has had experience as a dispatcher, jailer, and police officer, and is experienced in all realms of law enforcement and court room procedure. Judge Sloan stated that not only is she proficient as City Marshal, she is proficient in court duties. Judge Sloan stated that as a tangible result of having Rhonda in this position, in the six months she

has been with the court, \$80,000 can be attributed to increased revenue by having her as the City Marshal.

12. POLICE FLEET INCREASE - APPROVED - COMMUNITY POLICING OFFICERS

Mayor Bronaugh stated that the next item for consideration was increasing the police fleet by retaining two trade vehicles to be used for new Community Policing Officers.

City Manager Maclin stated that included in the Council packet is a memo from the Police Chief asking for two patrol cars that would normally be sold or traded. Mr. Maclin stated that due to the increase in manpower by the recent approval of the Community Policing grant, the Chief is asking that two patrol cars be retained for these patrolmen.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that the police fleet be increased by retaining two trade vehicles to be used for the new Community Policing Officers. A unanimous affirmative vote was recorded.

13. GRANT APPLICATION - APPROVED - STEP GRANT - SEAT BELTS - DWI - SPEED - SUMMER SCHEDULE

Mayor Bronaugh stated that the next item for consideration was the submission of an application for a summer STEP grant enforcement of Memorial Day, July 4th, and Labor Day (seat belts, speed and DWI).

City Manager Maclin stated that included in the Council packet is a Resolution seeking Council's confirmation to make application for this grant. Mr. Maclin stated that the City has successfully used the STEP grants in recent years on holiday occasions. Mr. Maclin stated that the grant is for \$7,500, and is used to pay officers overtime to assist in high traffic activity during the holidays.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the submission of an application for a summer STEP grant enforcement of Memorial Day, July 4th and Labor Day for seat belts, speed and DWI be approved as presented. A unanimous affirmative vote was recorded.

14. COMMENTS


Mayor Bronaugh recognized Lufkin High School students in the audience.

Councilmember Bowman stated that the East Texas group of Region I has begun holding a series of hearings, and the first meeting is tonight at 6:30 p.m. in Nacogdoches. Another meeting will be held on Thursday of this week.

City Manager Maclin stated that the Post Election Council Retreat will be held tomorrow, Wednesday, at 11:30 a.m. at Pine Island.

Mayor Bronaugh reminded Councilmembers of the annual luncheon meeting of DETCOG which will be held on Thursday, May 27th at the Civic Center.

15. There being no further business for consideration, meeting adjourned at 5:45 p.m.



Louis A. Bronaugh
Mayor

ATTEST:



5/18/99