

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
6TH DAY OF JUNE, 1995 AT 5:00 P. M.**

On the 6th day of June, 1995 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
Don Boyd	Mayor pro tem
Percy Simond, Jr.	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Tucker Weems	Councilmember, Ward No. 6
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Virgil Jackson, Minister, First Missionary Baptist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the minutes of the Regular Meeting of May 16, 1995 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - TAX ABATEMENT - LUFKIN INDUSTRIES, INC. (DOWNTOWN OPERATIONS)**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for Tax Abatement on approximately 66.15 acres of land containing their downtown operations as requested by Lufkin Industries, Inc.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the Ordinance for Tax Abatement as requested by Lufkin Industries, Inc. be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. **ORDINANCE - APPROVED - SECOND READING - AMENDMENT - COMPREHENSIVE ZONING ORDINANCE- ARTICLE XVI - SPECIAL USE PERMITS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending Article XVI of the Comprehensive Zoning Ordinance as it relates to the granting of Special Use Permits for Lodges, Fraternity and Sorority Houses, and Boarding and Rooming Houses in Residential Large Zoning Districts on sites of less than one acre.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the Ordinance amending Article XVI of the

Comprehensive Zoning Ordinance be approved on Second Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - BED AND BREAKFAST ESTABLISHMENT - 620 MANTOOTH AVENUE - BLAIR AND PATTI NICKS

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Special Use Permit for a Bed and Breakfast Establishment at 620 Mantooth Avenue as requested by Blair and Patti Nicks.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the Ordinance for a Special Use Permit for a Bed and Breakfast establishment at 620 Mantooth Avenue as requested by Blair and Patti Nicks be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - AUTOMOTIVE PAINT & BODY SHOP - LOCAL BUSINESS ZONING DISTRICT - 819 NORTH FIRST STREET - MICHAEL W. WINDSOR

Mayor Bronaugh stated that the next item for consideration was the request of Michael W. Windsor for approval of a Special Use Permit for Automotive Paint & Body Shop within a Local Business Zoning District located at 819 North First Street.

City Manager Maclin stated that this request was unanimously recommended to Council with the condition that a sight bearing fence be required if any wrecked vehicles are stored outside.

Mr. Richard Zaco was present to represent the request and stated that this is strictly a paint and body shop and will not be used as a storage place for wrecked vehicles.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Percy Simond, Jr. that the Ordinance for a Special Use Permit as requested by Michael W. Windsor be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - DENIED - FIRST READING - ZONE CHANGE - RESIDENTIAL SMALL TO SINGLE FAMILY DWELLING/MIXED USE - A. BARELA SURVEY - ABSTRACT 49 - KELTYS STREET - GIBSON STREET - CAIRO STREET

Mayor Bronaugh stated that the next item for consideration was a change of zoning from Residential Small to Single Family Dwelling/Mixed Use on approximately 9.09 acres of land located in the A. Barela Survey (Abstract 49) and generally described as those properties fronting the west side of Keltys Street and lying south of Gibson Street and north of the unimproved portion of Cairo Street.

City Manager Maclin stated that the zone change was initiated by a property owner within this area, and the Planning & Zoning Commission by unanimous vote recommends that this request be denied. Mayor Bronaugh stated for the record that it would take six (6) votes by the Council to overturn the recommendation by the Planning & Zoning Commission.

Gilbert Spring representing Ms. Cleola Richards stated that Ms. Richards wants to place a mobile home on family owned property.

Oletha Durham stated that she is present to ask Council not to rezone this property, but first wanted to go on record by saying that the residents are not against Ms. Richard's mobile home request. Mrs. Durham stated that residents of this area protested rezoning of this property three years ago. Mrs. Durham stated that area residents are trying to clean up North Lufkin.

Cleola Richards stated that she, too, was concerned about North Lufkin, but this zone change would not hurt anybody and she did not see any reason why the request should be denied.

In response to a question by Councilmember Boyd, City Manager Maclin stated that to change the zone only on the piece of property pertaining to Ms. Richard's request would be considered "Spot Zoning", which is illegal.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Percy Simond, Jr. that the Ordinance changing the zoning from Residential Small to Single Family Dwelling/Mixed Use on approximately 9.09 acres of land located in the A. Barela Survey (Abstract 49) and generally described as those properties fronting the west side of Keltys Street and lying south of Gibson Street and north of the unimproved portion of Cairo Street be denied as recommended by the Planning and Zoning Commission. A unanimous affirmative vote was recorded.

9. SPEED ZONE - APPROVED - FM HIGHWAY 2251 (SAYERS STREET)

Mayor Bronaugh stated that the next item for consideration was speed zoning of FM Highway 2251 (Sayers Street).

Mayor Bronaugh stated that this request was initiated by Councilmember Simond. Councilmember Simond stated that he had requested that the speed limit be lowered because of the number of accidents that had occurred on this portion of Sayers Street. Councilmember Simond stated that he had talked by phone to a representative at the Highway Department in Austin in regard to this request.

City Manager Maclin stated that the Highway Department will maintain the current 45 mph speed limit and lower the 55 mph speed limit from approximately 700' north of the Country Club Road to the north city limits to 50 mph (a reduction of 5 miles per hour).

Motion was made by Councilmember Percy Simond and seconded by Councilmember Don Boyd that the First Reading of an Ordinance for speed zoning of FM Highway 2251 (Sayers Street) be approved as presented. A unanimous affirmative vote was recorded.

10. BID - APPROVED - TRUST PROPERTY - TRACT 1 OF TRACT 8 - 403 STARK STREET

Mayor Bronaugh stated that the next item for consideration was a bid on Trust Property, Tract 1 - .138 acres out of Tract 8, Map 12, City of Lufkin (403 Stark Street).

City Manager Maclin stated that included in the Council packet is a letter from the Tax Assessor/Collector of Angelina County along with the letter from Steven Bird, Attorney for Calame Linebarger Graham & Pena, the law office that provides delinquent collection services for the County. City Manager Maclin stated that they are requesting Council's approval for recovery of the City's portion of this delinquent tax in the amount of \$227.53.

In response to a question by Councilmember Simond, City Manager Maclin stated that at a previous meeting the methodology required by law as far as public advertising of trust property was discussed. City Manager Maclin stated that as far as delinquent sales, the City has contracted with the County as our tax collectors and they are held accountable and responsible to meet the criteria of the law for the sale of the property. City Manager Maclin stated that the County has contracted with the law firm of Calame Linebarger Graham & Pena for these services in accordance with State law.

Rev. Ernest Hodge, who resides at 904 Sparrow Lane, asked questions relating to

notification of property before it is sold.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that bid for Trust Property located at 403 Stark Street in the amount of \$227.53 be approved as presented. A unanimous affirmative vote was recorded.

11. AMENDMENT - APPROVED - PARKING POLICIES - MAIN STREET PARKING COMMITTEE

Mayor Bronaugh stated that the next item for consideration was a request of the Main Street Advisory Board for amendment to the current parking policies and/or Ordinance to reflect the recommendations of the Main Street Parking Committee.

City Manager Maclin stated that Kristi Gay, President of the Main Street Advisory Board, would be making the presentation to Council.

Kristi Gay asked that members of the Main Street Advisory Board stand (10 members were present). Ms. Gay stated that the parking issue in downtown is a very emotional issue for a lot of people; the merchants who depend on the availability of parking for customers, others feel that they should be able to park where they want to and when they want to. Ms. Gay stated that there are two very diverse groups, all of them property taxpayers downtown, and their needs and wishes need to be considered. Ms. Gay stated that because of the diversity of opinions on this issue, this is something that has been discussed for some time through the Main Street organization. Ms. Gay stated that even though there are a number of complaints about the parking situation, the Board could never come to a consensus of opinion on how to change it. Ms. Gay stated that at this point, it is her understanding through the City Attorney, that there are some discrepancies in the way the Ordinance reads and the way the Parking Ordinance is being enforced.

Ms. Gay stated that before she reviews the recommendations by the Main Street Board, she would like to run down a list of what the Board did in coming up with their recommendations. A committee was formed of three members of the Main Street Advisory Board, they surveyed all of the Main Street members in the downtown area through a newsletter survey, and compiled the results, met with the Police Department who administers the parking policies in the City, and met with the Municipal Court employees, and surveyed other cities of similar size to see what their parking Ordinances were and what level of fines they had for violation of the Parking Ordinance. Ms. Gay stated that last summer the businesses were surveyed as to what their parking requirements were and where they were currently parking. Ms. Gay stated that they also gathered up all of this information and consulted with Mark Strong, an advisory board member to Main Street, and who is a professional in the field capable of analyzing the results. Ms. Gay stated that a recommendation was made to the Main Street Advisory Board with this information at their last meeting. (A copy of the summary of the recommendation was included in the packet information.)

Ms. Gay stated that included in the packet is a map showing where the restrictions currently are, and their recommendation is to leave a restricted area as it is and leave a non-restricted area as it is - to not make changes in what they are going to enforce.

Ms. Gay stated that the Advisory Board would like to recommend that the fee be raised on the parking ticket. At this time, there is a \$2 parking fine and the Board feels that this is not a serious enough detriment to someone who chooses to violate the policy. The recommendation is to raise the fine from \$2 to \$5 for the first ticket issued to a violator in one day, and \$10 for a second ticket in one day. Ms. Gay further stated that the Board is recommending extending the 2 hour parking limit to 3 hours. Ms. Gay stated that the Board is trying to encourage employees of the existing downtown businesses to not park in the restricted parking areas but to park in an unrestricted area that is provided for them. Ms. Gay stated that another

recommendation is to replace the existing parking signage by placing information on the sign letting the person know how long they can park there, and what will happen if they exceed the time limit. Ms. Gay stated that currently there is a lot on Groesbeck provided by the City for downtown employees which is not being used because of the perception that it may be unsafe. Ms. Gay stated that the Board is asking that the City consider any amount of maintenance that it could provide through their normal budgets in the area of cleaning and landscaping and possibly even resurfacing and restriping the lot.

Councilmember Boyd stated that he had a problem with extending the time limit to three hours, and recommended that the Board retain their two hour limit. Ms. Gay stated that this was an issue that had been discussed by the Board, the issue of people who circumvent the Ordinance. Ms. Gay stated that there is no way to structure the Ordinance in order to prevent people who chose to circumvent what has been designed. Ms. Gay stated that this is something that the Board is aware of but have not been able to come up with an answer to the problem yet.

City Manager Maclin stated that he wanted to recognize that going from two to three hours was a compromise of the differences of opinion that have accumulated over the two years that this item has been discussed. City Manager Maclin stated that the Board feels that occasionally there is a legitimate downtown customer that gets penalized because they were legitimately taking advantage of businesses or services for longer than two hours. Councilmember Boyd stated that he still did not feel that the three hour limit was justified, in fact, most cities limit downtown parking to one hour.

Councilmember Simond stated that he would like to commend the City employee who was instrumental in getting Second Street restriped.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones to accept the recommendations of the Main Street Advisory Board on parking in downtown Lufkin. A unanimous affirmative vote was recorded.

12. MAIN STREET ADVISORY BOARD REQUEST - APPROVED - BUDGETING OF THREE TO FIVE YEAR PLAN - DOWNTOWN INFRASTRUCTURE IMPROVEMENTS

Mayor Bronaugh stated that the next item for consideration was request of the Main Street Advisory Board for budgeting of a three to five year plan for downtown infrastructure improvements.

Kristi Gay stated that another issue that Main Street has been trying to address is the condition of the streets, sidewalks, drainage, compliance with ADA; the appearance of downtown in general. Ms. Gay stated that up until this point, Main Street has raised their own money through membership drives, activity fund raisers and have been doing things on their own to improve the appearance of downtown. Ms. Gay stated that they feel they have been very successful and downtown is really starting to look great. Ms. Gay stated that part of this is attributed to the fact that they have been able to encourage private business owners and property owners to invest their own private dollars downtown. Ms. Gay stated that in the years since Ms. Glover has been the Main Street Director there has been \$1.8 million dollars in private sector improvements made in the Central Business District. Ms. Gay stated that the Main Street Board now believes that improvements made over a three to five year period can make an impact over a period of time and encourage more people to reinvest in the Central Business District. Ms. Gay stated that there is \$28 million assessed on the tax roles in what is designated as offices in the Central Business District. Ms. Gay stated that this is a dense tax base in a small geographic area and only includes 25 blocks in the City of Lufkin.

Ms. Gay stated that the tax dollars from the \$28 million has helped to fund

improvements in the infrastructure in the City outside of the Central Business District. Ms. Gay stated that not much attention has been paid within the downtown area, the improvements have mostly been made by "patching" and addressing the issue of "safety", especially with the sidewalks. Ms. Gay stated that the Main Street Advisory Board is asking for something more significant than that, something that can be done strictly within the budget that the Street Department operates within. Ms. Gay stated that they are asking the City to recognize Main Street's efforts to pursue a Master Plan for infrastructure improvements through the City Street Department budget, subject of course to Council's review on an annual basis.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd to support the efforts of the Main Street Advisory Board to develop an infrastructure Master Plan for improvements of downtown infrastructure. A unanimous affirmative vote was recorded.

13. BANK DEPOSITORY BID- APPROVED - NATIONSBANK

Mayor Bronaugh stated that the next item for consideration was bank depository contract bids.

City Manager Maclin stated that included in the packet is a memo indicating that Nationsbank was the only bidder responding to the City's request for bid proposals. City Manager Maclin stated that on the Council table is a memo from Asst. City Manager Darryl Mayfield regarding the bank depository contract. City Manager Maclin stated that staff is proposing that Council award the bank depository contract to NationsBank and utilize "Option C" as outlined in Mr. Mayfield's memo. City Manager Maclin stated that this option will gain the best net impact to the City by contrasting interest earned versus fees charged by the bank.

Mr. Mayfield stated that predicated on the information that was used in the analysis under Option C, the City would be looking at annual interest of approximately \$16,000, depending upon the fluctuation of the City's balances as opposed to currently staying where we are, which is Option 1 with interest for the annual year at \$5,640. Mr. Mayfield stated that under this particular contract earnings credit can no longer be paid on both interest bearing and non-interest bearing accounts, and Option C as presented, gives the City the best option for interest earnings for City accounts.

City Manager Maclin stated that staff is seeking from Council today is to approve the bank depository contract with NationsBank and that staff be directed to use Option C for gaining the best net impact of the City's earnings.

In response to a question by Councilmember Simond, City Manager Maclin stated that his perception of the fact that the City only received one bid is that two or three things have changed in recent years in regards to the way cities and bank depository relationships are. City Manager Maclin stated that years ago the City would do all their investments through the bank that was their bank depository. City Manager Maclin stated that this Council elected to hire an investment counselor, Dick Long of First Southwest, so that all the investments of the City are being done outside of the bank depository. City Manager Maclin stated that in the past all the investments of the City were done within the bank depository. City Manager Maclin stated that another factor is that the collateral that is required by financial institutions to collateralize the deposits of a public entity is quite a strain on banks. City Manager Maclin stated that his perception is that currently the public accounts like the School District, the County, and Junior College are somewhat equitably distributed amongst the local banks who desire to have that type of client. To take on additional clients of a public entity nature, would require them to have more of their treasury notes collateralized to the name of that particular taxing entity. City Manager Maclin stated that, in his opinion, municipal accounts from a bank

depository standpoint are not nearly as attractive as they were 20 years ago when cities were notorious for just depositing their money and no interest was made on the account.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Don Boyd that the bid of NationsBank be accepted as the City's depository to include Option C. A unanimous affirmative vote was recorded.

14. EXECUTIVE SESSION

Mayor Bronaugh recessed the Regular Session to enter into Executive Session at 6:04 p.m. Regular Session reconvened at 6:15 p.m. and Mayor Bronaugh announced that legal matters had been discussed and no decisions were made.

15. COMMENTS

Councilmember Simond asked whether the City had ever considered enclosing a self-addressed envelope with the water bills. City Manager Maclin stated that he had looked into this and there was a significant increase in cost.

In response to question by Councilmember Simond, City Manager Maclin stated that he had written several letters to the railroad company regarding the crossing at Bremond and Culverhouse but had not had any response.

Councilmember Gorden stated that he appreciated the article relating to solid waste he had received. City Manager Maclin stated that the City of Lufkin is a trendsetter in the field of solid waste.

It was the consensus of opinion after discussion of the first meeting in July that the meeting would be held on Wednesday, July 5th.

City Manager Maclin stated that at the June 20th meeting Dr. Ronald Claunch of SFA will make a presentation to Council on the citizens survey.

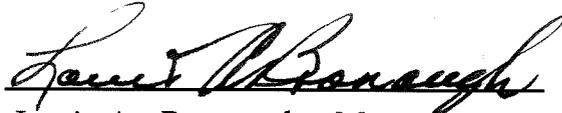
Mayor Bronaugh reminded Councilmembers of the Planning Retreat to be held Thursday, June 8 at Pine Island.

Mayor Bronaugh also reminded Councilmembers of the Flag Day ceremony to be held on Wednesday, June 14th at 5:30 p.m. in front of the Kurth Memorial Library. Mayor Bronaugh stated that the ceremonies will be broadcast live on KTRE and urged Councilmembers to attend if possible.

16. There being no further business for consideration, meeting adjourned at 6:25p.m.

ATTEST:


Atha Stokes - City Secretary


Louis A. Bronaugh - Mayor