

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
4TH DAY OF JUNE, 1996 AT 5:00 P. M.**

On the 4th day of June, 1996 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:

Don Boyd
Percy Simond
Betty Jones
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Darryl Mayfield
Stephen Abraham
Bob Flournoy
Atha Stokes

Mayor pro tem
Councilmember, Ward No. 1
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Asst. City Manager/Finance
Director of Planning
City Attorney
City Secretary

being present, and

Louis Bronaugh

Mayor

being absent when the following business was transacted.

1. Meeting was opened with prayer by Mrs. Kathryn Greene, Volunteer Chaplain, Memorial Medical Center.
2. Mayor pro tem Boyd welcomed visitors present, and recognized Justin Looney of Boy Scout Troop 136 who is working on his Citizenship in the Community Merit Badge.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that the minutes of the Called Meeting of April 24, 1996 and the Regular Meeting of May 21, 1996 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO PUD PLANNED UNIT DEVELOPMENT - BARTMESS DRIVE - CHESTNUT STREET (HIGHWAY 58) - JOHN KONDROIK, JR. - JIM SMITH - BANSIR DEVELOPMENT, INC.**

Mayor pro tem Boyd stated that the first item for consideration was the Second Reading of an Ordinance to change the zoning from "RL" Residential large Single Family to "PUD" Planned Unit Development on approximately a 7.91 acre tract of land located near the intersection of Bartmess Drive and Chestnut Street (Highway 58) as requested by John Kondroik, Jr., and Jim Smith of Bansir Development, Inc.

City Manager Maclin stated that this item was discussed in previous meetings and changes were made to try to accommodate the concerns of residents in the area.

There was no opposition to the request.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Percy Simond that Ordinance for a Zone Change from "RL" Residential Large Single Family to "PUD" Planned Unit Development on approximately a 7.91 acre tract of land located near the intersection of Bartmess

Drive and Chestnut Street (Highway 58) as requested by John Kondroik, Jr. and Jim Smith of Bansir Development, Inc. be approved on Second and Final Reading as presented.

The following vote was recorded:

Aye: Councilmembers Bowman, Gorden, Simond and Mayor pro tem Boyd

Nay: Councilmembers Jones and Weems

Mayor pro tem Boyd stated that the motion carried with a 4 to 2 vote.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO LOCAL BUSINESS - TULANE DRIVE - YORK DRIVE - DR. ROYCE READ - MARY JULE TATUM - NELDA WOOD ROGERS

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RL" Residential Large Single Family to "LB" Local Business on approximately a 12.04 acre tract of land located in the 1500-1510 block of Tulane Drive, southwest of the intersection of Tulane Drive and York Drive as requested by Philip Goodwin on behalf of Dr. Royce Read, Mary Jule Tatum and Nelda Wood Rogers.

City Manager Maclin stated that this is a routine Second Reading of the Ordinance.

There was no opposition to the request.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Percy Simond that Ordinance for zone change from "RL" Residential Large Single Family to "LB" Local Business on approximately a 12.04 acre tract of land located in the 1500-1510 block of Tulane Drive, southwest of the intersection of Tulane Drive and York Drive as requested by Philip Goodwin on behalf of Dr. Royce Read, Mary Jule Tatum and Nelda Wood Rogers 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 - LIGHT MANUFACTURING - HEAVY MANUFACTURING - LOTUS LANE - WEBBER STREET - LARRY BERRY

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of an Ordinance to change the zoning on approximately 31.62 acres of land (having frontage on the south side of Lotus Lane and lying between 2001 and 2503 Lotus Lane and then extending southwest toward the proposed Webber Street extension) from the current zoning of Residential Large to Neighborhood Retail (1.5 acres); Light Manufacturing (9.86); and Heavy Manufacturing (20.26) as requested by Larry Berry.

City Manager Maclin stated that this is a routine Second Reading of the Ordinance.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance for zone change on approximately 31.62 acres of land (having frontage on the south side of Lotus Lane and lying between 2001 and 2503 Lotus Lane and then extending southwest toward the proposed Webber Street extension) from the current zoning of Residential Large to Neighborhood Retail (1.5 acres); Light Manufacturing (9.86); and Heavy Manufacturing (20.26) as requested by Larry Berry be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. FAIR HOUSING ORDINANCE - APPROVED - SECOND READING

Mayor pro tem Boyd stated that the next item for consideration was Second Reading of a Fair Housing Ordinance.

City Manager Maclin stated that he did receive one phone call relating to the definition of "family" and wanted to clarify that this is not in conflict with the zoning laws of the City as far as the maximum number of residents based on Residential Small/Residential Medium and Residential Large. Councilmember Jones stated that it was her phone call that Mr. Maclin referred to and it had been answered to her satisfaction.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that the Fair Housing Ordinance be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

8. AUTHORIZATION - APPROVED - GRANT APPLICATION SUBMISSION - KURTH FOUNDATION - RESIDENT OFFICER PROGRAM

Mayor pro tem Boyd stated that the next item for consideration was authorization for submission of a grant application to the Kurth Foundation for funding of a Resident Officer Program.

City Manager Maclin stated that included in the Council packet is a grant application summary that provides the details of the program designed to provide an incentive for Lufkin Police Officers to buy or build a home in areas which are defined as "high crime areas" so that they can increase the visibility of law enforcement in those neighborhoods, and at the same time provide an incentive through down payment and closing costs assistance along with a lower interest rate for the purchase of the home to be a tangible incentive for the officers.

City Manager Maclin stated that also included in the packet is a map defining those "high crime areas".

Dawn Glover stated that staff was approached several months ago by Jeanette Lewis, of Lufkin National Bank, and they were very interested in doing some sort of housing initiative. They had heard about some other communities in the United States that had done some things to fight crime and provide housing opportunities for Police Officers. Ms. Glover stated that staff looked at some inter-city neighborhoods that needed some help, they looked at Enterprise Zone as one criteria, crime statistics, and used all these things to factor into the map that is provided. Ms. Glover stated that staff worked with the lending institution to come up with a very attractive loan package and decided that they would like to put five Officers into five deteriorating neighborhoods with high crime. Ms. Glover stated that staff is seeking authorization from Council to submit a grant application to the Kurth Foundation for \$25,000, \$5,000 per Officer, per project, and all of that \$5,000 would apply towards the purchase, i.e., the closing costs and down payment of the home.

Ms. Glover stated that Chief Sherman Collins was present on behalf of the Police Department to answer any questions, and Jeanette Lewis was also present.

In response to question by Councilmember Jones, Ms. Glover stated that there was considerable dialogue with the Police Officers in the beginning to avoid wasting staff's time or Lufkin National's time if there was not enough interest. Ms. Glover stated that there is a great deal of interest by the Officers.

In response to question by Mayor pro tem Boyd, Ms. Glover stated that this could apply to new homes but she predicts it will probably be existing houses. Ms. Glover stated that one of the three goals staff hopes to accomplish is some revitalization in

some of the neighborhoods.

In response to question by Councilmember Weems, Chief Collins stated that speaking from experience, everyone in the neighborhood knows Police Officers, and that is the prime attraction of this type program. Chief Collins stated that the experience in other cities has been that the neighborhood begins to rally to the Officer very quickly. Chief Collins stated that at this time nearly 50% of Lufkin's Police Officers live outside the City limits.

City Manager Maclin stated that Texas law does not require that an Officer live within the City limits, only that the Officer lives within a reasonable response time to the Police Station. In response to question by Councilmember Simond, City Manager Maclin stated that there is no definitive "20 minute response time", the definition by State law is "reasonable".

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that authorization be granted for the submission of a grant application to the Kurth Foundation for funding of a Resident Officer Program as presented. A unanimous affirmative vote was recorded.

9. SITE PLAN - APPROVED - SHOPPING CENTER - THE PALMS - S. JOHN REDDITT DRIVE - RODNEY MOORE - GIBRALTAR CONSTRUCTION COMPANY

Mayor pro tem Boyd stated that the next item for consideration was request of Rodney Moore of Gibraltar Construction Company for site plan approval for a shopping center to be known as "The Palms" located between 2926 and 3102 S. John Redditt (Loop 287).

City Manager Maclin stated that the Planning & Zoning Commission meeting was originally scheduled for this item a week ago yesterday, and due to a lack of a quorum the meeting had to be postponed. City Manager Maclin stated that the Planning & Zoning Commission did meet on this item yesterday and recommends approval of the site plan as submitted.

Rodney Moore stated that at this time he does have prospective occupants for the building.

There was no opposition to the request.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that request of Rodney Moore of Gibraltar Construction Company for a site plan for a shopping center to be known as "The Palms" located between 2926 and 3102 S. John Redditt (Loop 287) be approved as presented. A unanimous affirmative vote was recorded.

10. PUBLIC HEARING DATE - APPROVED - TAX ABATEMENT - REINVESTMENT ZONE - COLUMBIA WOODLAND HEIGHTS MEDICAL CENTER - S. JOHN REDDITT DRIVE - GASLIGHT BOULEVARD - DON H. McBRIDE

Mayor pro tem Boyd stated that the next item for consideration was a request of Don H. McBride on behalf of Columbia Woodland Heights Medical Center to call a Public Hearing for the purpose of establishing a Reinvestment Zone and granting a Tax Abatement on approximately 17.0 acres of land situated between South John Redditt Drive (Loop 287) and Gaslight Boulevard.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department, a site plat map of the 17 acres, and the application for the Tax Abatement. City Manager Maclin stated that the first step in the process for granting Tax Abatement is to set a Public Hearing. City Manager Maclin stated that staff's recommendation is to set the Public Hearing to be at the next regular

Council meeting on June 18. City Manager Maclin stated that this Public Hearing will suffice as a Public Hearing for all taxing entities that would participate in this abatement, including the County and Junior College. City Manager Maclin stated that at the Public Hearing Council will entertain any questions from the public, and comments from the Hospital as far as the actual application and what is to be included in their expansion plans.

In response to statement by Councilmember Bowman that LISD does not give Tax Abatements any longer, City Manager Maclin stated that ever since Senate Bill 1 passed it presents a double jeopardy for them, they not only lose the Tax Abatement but also lose State funds.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that June 18, 1996 be set as the date for a Public Hearing for the purpose of establishing a Reinvestment Zone and granting a Tax Abatement on approximately 17.0 acres of land situated between South John Redditt Drive (Loop 287) and Gaslight Boulevard. A unanimous affirmative vote was recorded.

11a. BID - APPROVED - CONVEYOR SYSTEM - ENCLOSURE - RECYLING DEPARTMENT - INDUSTRIAL DISPOSAL SUPPLY - QUALITY FABRICATION AND CONSTRUCTION

Mayor pro tem Boyd stated that the next item for consideration was bids for a conveyor system and enclosure to be used at the Recycling Center.

City Manager Maclin stated that staff recommendation is to award the low bid of Industrial Disposal Supply in the amount of \$228,300 for the conveyor and the low bid of Quality Fabrication and Construction in the amount of \$22,500 for the enclosure. City Manager Maclin stated that this equipment was budgeted through the Depreciation Fund and will enhance the automation aspects of recycling by assisting in the sorting process.

In response to question by Councilmember Weems, City Manager Maclin stated that staff is working a minimum of eight hours a day at the Recycling Center and there are some times when community restitution clients are used in the evening hours. Dennis Webster, Recycling Center Director, stated that at the present time there are 15 State inmates and six County inmates, and the facility is operating from 8:00 a.m. until 10:00 p.m.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that bid of Industrial Disposal Supply in the amount of \$228,300 for the conveyor and the bid of Quality Fabrication and Construction in the amount of \$22,500 for the enclosure be approved as submitted. A unanimous affirmative vote was recorded.

11b. BID - APPROVED - ROOF - WATER PRODUCTION FACILITY - L. RICHARDSON & SONS, INC.

Mayor pro tem Boyd stated that the next item for consideration was bids for a roof for the Water Production facility.

City Manager Maclin stated that included in the Council packet is the staff recommendation of L. Richardson & Sons, Inc. in the amount of \$22,489. City Manager Maclin stated that this is the only bid that staff received. David Cochran, Purchasing Director, stated that this is a specialty roof and roofers in the area are quite busy at this time.

Councilmember Gorden stated that he did not like the fact that only one bid was received.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that bid of L. L. Richard & Son in the amount of \$22,489 be approved as submitted. A unanimous affirmative vote was recorded.

12. EXECUTIVE SESSION

Mayor pro tem Boyd recessed Regular Session at 5:30 p.m. to enter into Executive Session. Regular Session was reconvened at 5:50 p.m. and Mayor pro tem Boyd stated that legal matters and appointments to Boards had been discussed, and no decisions were made.

13. COMMENTS

City Manager Maclin stated that he was making a recommendation that the City Council lift the outdoor watering restrictions through the Drought Contingency Plan. City Manager Maclin stated that the broken lines have been repaired and that Water Well #3 went back on line yesterday and passed the bacteria tests this morning.


City Manager Maclin stated that staff has made progress working with the Texas Department of Transportation and Champion on pursuing the water line for emergency backup on Well #14 that Champion owns in the Redland area.

City Manager Maclin stated that there is still a problem with hydrogen sulphite gas causing discoloration and an odor to the water, but it is safe to drink, just not aesthetically pleasing. City Manager Maclin stated that hopefully by the end of this week this problem will be erased also.

In response to question by Mayor pro tem Boyd, City Manager Maclin stated that staff met with the company that had cut the water lines and they had a very productive meeting. City Manager Maclin stated that the City will be meeting with them on an annual basis at the beginning of each fiscal year to identify project areas for the coming months and in those cases where they will be digging near a large water line the City will actually dig up the line to show where it is to avoid any possible problems.

City Manager Maclin stated that he will send a press release to the media tonight stating that the City Council is lifting the water conservation ban.

14. There being no further business for consideration, meeting adjourned at 5:55 p.m.



Don E. Boyd - Mayor pro tem

ATTEST:



Atha Stokes - City Secretary