

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
5TH DAY OF JULY, 1994 AT 5:00 P. M.**

On the 5th day of July, 1994 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
Percy Simond	Councilman, Ward No. 1
Don Boyd	Mayor pro tem
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
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 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

Mayor Bronaugh stated that the next item for consideration was approval of Minutes of Regular Meeting of June 21, 1994.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Minutes of Regular Meeting of June 21, 1994 be approved as presented. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION - DENNIS BISHOP - BRYAN TANNEHILL - T U ELECTRIC - FM 58 - PLATT ROAD - SOUTHAMPTON SUBDIVISION

Mayor Bronaugh stated that the first item for consideration is a Public Hearing to consider request of Dennis Bishop, Bryan Tannehill and T U Electric for annexation of approximately 34.753 acres of land located west of FM 58 and south of Platt Road and known as the Southampton Subdivision.

There was no opposition to this request.

Mayor Bronaugh closed Public Hearing.

5. PUBLIC HEARING - ANNEXATION - DUNCAN CONSTRUCTION, INC. - BROOKHOLLOW NO. 14 AND 15 - COLUMBINE - COUNTY ROAD NO. 58 - GOBBLER'S KNOB ROAD

Mayor Bronaugh stated that the next item for consideration is a Public Hearing to consider request of Duncan Construction, Inc. for annexation of approxim 60.266 acres of land known as Brookhollow No. 14 and 15 and located west of Columbine, east of County Road No. 58 and north of Gobbler's Knob Road.

There was no opposition to this request.

Mayor Bronaugh closed Public Hearing.

6. ORDINANCE - APPROVED - FIRST READING - ANNEXATION - ZONING - BROOKHOLLOW ADDITION NO. 13 - LIVE OAK LANE - AZALEA STREET - GOBBLER'S KNOB ROAD - R. H. DUNCAN CONSTRUCTION, INC.

Mayor Bronaugh stated that the next item for consideration is First Reading of an Ordinance for annexation and appropriate zoning for approximately 8.714 acres of land known as Brookhollow Addition No. 13 and located east of Live Oak Lane, between Azalea Street and Gobbler's Know Road as requested by R. H. Duncan Construction, Inc.

City Manager Maclin stated that included in the packet is a unanimous recommendation from the Planning & Zoning Commission for annexation of this area to be zoned "Residential Large."

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ANNEXATION - ZONE CHANGE - FM 58 - WHEELER ROAD - MARK LOWERY - PATRICIA CARITHERS WILLIAMS - T U ELECTRIC

Mayor Bronaugh stated that the next item for consideration is First Reading of an Ordinance for annexation and appropriate zoning for approximately 217.616 acres of land located on the east side of FM 58 and bounded by the existing City limits to the north and Wheeler Road to the south as requested by Mark Lowery, Patricia Carithers Williams and T U Electric.

City Manager Maclin stated that this request is also unanimously recommended by the Planning & Zoning Commission for annexation and for the property to be zoned "Residential Large."

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

8. ORDINANCE - APPROVED - SECOND READING - T U ELECTRIC - COMPETITIVE RATE FILING

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance for T U Electric competitive rate filing for the City of Lufkin.

City Manager Maclin stated that this Ordinance is being proposed by the T U Electric headquarters that would allow the City to utilize some competitive rates for two purposes: (1) If there is existing industry that is considering relocation to another area and one of the reasons for that relocation has to do with cheaper electrical rates, this will allow T U Electric to competitively negotiate with that company to match or beat those rates in order to prevent that industry from leaving Lufkin and taking those jobs with them; and (2) It can also be used as an economic development incentive tool if there is an industry who is comparing Lufkin as a potential site for relocation expansion but is comparing with other locations that have a lesser rate, then T U Electric can negotiate with that particular company in a competitive manner to help encourage their location and selection of site as Lufkin, Texas.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - MOBILE HOME AND RESIDENTIAL SMALL - SINGLE FAMILY DWELLING/MIXED USE ZONING DISTRICT - JOE L. MOTT - 2703 and 2705 PAUL AVENUE

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance to change the zoning of approximately five acres of land known as 2703 and 2705 Paul Avenue from Mobile Home and Residential Small to a Single Family Dwelling/Mixed Use zoning district as requested by Joe L. Mott.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - SECOND READING - REGULATING SMOKING IN PUBLIC PLACES

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance regulating smoking in public areas in the City of Lufkin.

Mayor Bronaugh stated that this is an item that has been on the agenda for some time, and because of some amendments that were made and voted on at the last meeting which changed the appearance of the Ordinance, the City Attorney is asking that the Ordinance be considered tonight as a Second Reading.

City Manager Maclin stated that a letter from Dr. Sid Roberts had been faxed to Councilmembers just prior to tonight's meeting expressing his appreciation to the Council for consideration of the Ordinance. (Dr. Roberts was unable to attend the meeting.)

City Manager Maclin requested that the Ordinance become effective as of September 1st to give staff time to prepare the uniform signage, which is a part of the Ordinance. City Attorney Flournoy stated that July 1, 1995 is the date for the designated businesses to be in full compliance.

In response to question by Councilmember Gorden, City Manager Maclin stated that he would like to provide businesses with a model sign, and not compete with local printers in providing them with an actual sign. Mr. Flournoy stated that the City will designate the size, shape and wording of the signs.

City Manager Maclin stated that the other reason he wanted to wait until September 1 as the effective date is because the Ordinance gave the City Manager the authorization to produce a brochure that would be a way of compiling the entire Ordinance into a 8 1/2 X 11 fold-out and would give the essence of the Ordinance in simpler terms. City Manager Maclin stated that if an individual wanted the actual Ordinance they could obtain one from the City Secretary's office. City Manager Maclin stated that since the Ordinance does place a great deal of responsibility on the owner or the manager of the business, this may be a tool that would assist them in that process.

Councilmember Kegler stated that, in his opinion, the signs should be uniform. Councilmember Bowman suggested that a nominal charge of \$1.00 be charged for the signs.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented and that the effective date be set for September 1, 1994. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - REGULATING LOITERING IN PUBLIC PLACES

Mayor Bronaugh stated that the next item for consideration is First Reading of an Ordinance regulating loitering in public places in the City of Lufkin.

City Manager Maclin stated that basically this Ordinance is being proposed by the Police Department in an attempt to try and resolve numerous complaints particularly along Timberland Drive.

Sgt. Scott Marcotte of the Community Policing Division stated that this Ordinance came about as a result of complaints the Department had received from business owners on Timberland Drive and the South First area with people gathering on their parking lots after hours. Sgt. Marcotte stated that these businesses are experiencing a lot of trash and debris on their parking lots. Sgt. Marcotte stated that several avenues have been explored including the State statute regarding criminal trespass; however, the business owners were reluctant for the Police Department to issue criminal trespass warnings because once a citation is issued that person is prohibited from ever coming on the property again.

Sgt. Marcotte stated that he had requested sample ordinances from other cities our size and the Ordinance that is before the Council tonight is a copy of the Ordinance from the City of Forney provided to us by TML.

Sgt. Marcotte suggested striking "municipal airports" under Definitions: (2) Place, and on page 2 adding "or conspicuous sign stating No Loitering" to Examples of Loitering Activities (2). Sgt. Marcotte stated that he had spoken with the Police Chief for the City of Forney and he stated that this Ordinance has been in force since 1986 and there have been no arrests made; however they do issue from 10 to 20 citations a year for loitering activities.

Sgt. Marcotte stated that the City has two loitering Ordinances on the books dealing with roadways (Ordinance 2410) and parks (Ordinance 2275).

Councilman Gorden stated that he was concerned with the vagueness of the Ordinance dealing with probable cause.

City Attorney Flournoy stated that a lot of cities are going to curfews and this Ordinance would be more beneficial to the City. Mr. Flournoy stated that the question of probable cause is obviously one that a Judge will ultimately have to decide or Judge or jury will have to weigh and determine if there was in fact probable cause before there can be a conviction.

Councilman Simond stated that he was concerned about the teenagers and where they will be able to go since there is not much activity for teens in the City.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading with changes to B. Definitions: (2) striking "Municipal Airports", and C. Examples of Loitering Activities (2) adding "or conspicuous sign reading "No Loitering". A unanimous affirmative vote was recorded.

12. DISCUSSION - CURRENT VOTING SYSTEM - CITY ELECTION & OTHERS

Mayor Bronaugh stated that the next item for consideration is discussion of revisions in the current voting system for City elections and others.

Mayor Bronaugh stated that Councilman Simond had requested that his item be placed on the agenda for discussion.

Councilman Simond stated that he has been really puzzled as to why we have such a large area for people to vote in instead of putting several polling places in each City Ward . Councilman Simond stated that he did not know why the State of Texas would object to how many polling places you might have in a district.

Councilman Simond stated that he had read the letter from Secretary of State Ron Kirk to the City Secretary.

City Manager Maclin stated that you cannot have a ward line that crosses a County precinct line. City Manager Maclin stated that this is the reason why Drs. Claunch and Hallman had to be cautious in drawing up the lines in redistricting. City Manager Maclin stated that the City of Lufkin does not have precinct lines.

Councilman Simond stated that he would like to see some more research done on this if at all possible. Councilman Simond stated that Ward 1 is almost as large as Ward 4 used to be.

City Manager Maclin stated that in order to add additional polling places a committee might be appointed from within the Council to work with the residents in the Ward to determine what locations from their viewpoint would be, or the Council could utilize the professional services of Drs. Claunch and Hallman to provide statistical data.

In response to question by Councilman Gorden, City Manager Maclin stated that based on the second paragraph of Secretary of State Kirk's letter it is possible to have more than one polling place per City Ward. City Attorney Flournoy stated that if there is more than one voting ward in a precinct it would be difficult to determine how many times a person votes.

Councilman Simond suggested that the City Attorney and City Secretary do some further study on this.

City Manager Maclin stated that any changes to polling places will have to be approved by the Federal Government.

City Manager Maclin stated that during the last election it cost between \$316 and \$415 for the election workers at the various polling places for a total of \$2,157, not including early voting. City Manager Maclin stated that if there were three polling places per City Ward the cost would escalate from \$316 to \$948, and the cost for election workers would run approximately \$4,500.

13. ORDINANCE - APPROVED - FIRST READING - FUTURE LAND USE MAP - COMPREHENSIVE PLAN - RAGUET STREET - JEFFERSON AVENUE - BYNUM STREET - KILN AVENUE - NON-RESIDENTIAL DEVELOPMENT - JAMES A. McMULLEN, III

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to amend the future land use map of the comprehensive plan in the area bounded by Raguet Street, Jefferson Avenue, Bynum Street and the lots fronting the north side of Kiln Avenue to allow for non-residential development.

City Manager Maclin stated that this request was unanimously recommended for approval by the Planning & Zoning Commission.

City Planner Abraham discussed the maps that were included in the packet pointing out the various zoning classifications in the area. Mr. Abraham stated that, in his opinion, it would be fair to characterize the area as a mixture of both service type uses (Hospice) and office type uses further to the west, with retail on Ellis. Mr. Abraham stated that included in this area are a number of large houses on Jefferson that might be called architecturally significant. Mr. Abraham stated that the final map reflects his recommendation of a two-phase approach to this request: (1)

Alternating "Residential" and "Commercial" stripes with a symbol that indicates special considerations must be employed in zoning cases for the following area: Those tracts of land bounded by Raquet Street, Jefferson Avenue, the alley that runs north and south between Ellis Avenue and Kiln Avenue and extended southward to Jefferson Avenue, and the lots fronting the north side of Kiln Avenue; and, (2) That the following text be inserted at an appropriate place in the Comprehensive Plan: "The area bounded by Raguet Street, Jefferson Avenue, the alley running north and south between Ellis Avenue and Kiln Avenue and extended southward to Jefferson Avenue, and the lots fronting the north side of Kiln Avenue should remain a predominately residential area (The selective introduction of non-residential uses may be considered appropriate provided the following criteria is met:)

- 1.) Any new development, redevelopment or reuse of an existing structure should continue the residential characteristics of the area;
- 2.) Rezonings should consider the scale of the proposed buildings in comparison to the existing structures;
- 3.) Traffic generation and access points must be considered. Low traffic generating uses (typically service oriented) are preferred;
- 4.) No use which emits disruptive levels of noise, odors or particulate matter shall be considered appropriate;
- 5.) Every effort should be made to preserve architecturally significant structures.

Mr. Abraham stated that basically an RPO district might be appropriate in this area. Mr. Abraham stated that Hospice is looking at increasing its Hospice operation and possibly a nursing home. In response to question by Councilman Bowman, Mr. Abraham stated that Hospice has not dealt with the specifics of a nursing home at this point.

Mr. Abraham stated that lots 9 - 13 are totally landlocked and the greatest potential for utilization of the property is for non-residential usage in combination with the adjoining lots that front on Raguet Street.

Gwen Reagan of Hospice was present and spoke on behalf of the expansion of the Hospice operation.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Amendment to Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

14. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:13 p. m. to enter into Executive Session. Regular Session reconvened at 6:57 p. m. and Mayor Bronaugh announced that Council had discussed appointments to Boards and legal real estate matters.

15. APPOINTMENTS - APPROVED - EXAMINING & SUPERVISING BOARD OF ELECTRICIANS (CURTIS DUNN/JAMES MACHOVSKY) - HEAT, VENT, AIR CONDITIONING ADVISORY BOARD (SAMMY FERRARA/ROYCE FRITZ/JAMES VAIL/BILLY RUSSELL) - CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS (RALPH LOGGINS)

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Curtis Dunn and James Machovsky be appointed to the Examining & Supervising Board of Electricians, Sammy Ferrara, Royce Fritz, James Vail and Billy Russell be appointed to the Heat, Vent, Air Conditioning Advisory Board, and Ralph Loggins be appointed to the Construction Board of Adjustment & Appeals Board. A unanimous affirmative vote was recorded.

16. **COMMENTS**

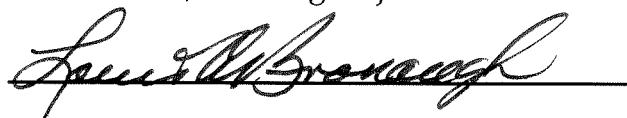
Councilman Weems commended the City Manager and his staff on the status of the budget at this point in the fiscal year.

Mayor Bronaugh extended congratulations to Councilman Don Boyd upon completing the State requirements for Certified Peace Officer.

City Manager Maclin reminded Councilmembers that the next Budget Workshop meeting would be held on Tuesday, July 12 instead of Thursday, July 14. The final Workshop will be held on Tuesday, July 19, at which time the Councilmembers will be given priority ranking forms to be completed and returned to staff for tabulation.

Mayor Bronaugh reminded Councilmembers of the First Friday luncheon July 8 at Crown Colony.

17. There being no further business for consideration, meeting adjourned at 7:05 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary