

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LUFKIN, TEXAS, HELD ON THE  
3RD DAY OF SEPTEMBER, 1996 AT 5:00 P. M.**

On the 3rd day of September, 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:

Louis A. Bronaugh  
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  
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 when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bettye Kennedy, Pastor, Collins Chapel CME Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the minutes of the Regular Meeting of August 20, 1996 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - SINGLE FAMILY, MIXED USE TO LIGHT MANUFACTURING - SPENCE STREET - JOSEPH WHITE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a zone change from "SF/MX" Single Family, Mixed Use to "LM" Light Manufacturing on approximately a three (3) acre tract of land located at 2108 Spence Street as requested by Joseph White.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that Ordinance to change the zoning from "SF/MX" Single Family, Mixed Use to "LM" Light Manufacturing on approximately a three (3) acre tract of land located at 2108 Spence Street be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - WHITE HOUSE DRIVE - MATTHEW BRADSHAW**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "LB" Local Business to "LB, SU" Local Business, Special Use on approximately 0.631 acres of land located at 102 White House Drive as requested by Matthew Bradshaw.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that zone change from "LB" Local Business to "LB, SU" Local Business, Special Use on approximately 0.631 acres of land located at 102

White House Drive be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. AMENDMENT TO TRAFFIC ORDINANCE - APPROVED - SECOND READING - PARKING IN CITY OF LUFKIN**

Mayor Bronaugh stated that the next item was Second Reading of an Ordinance to amend the Traffic Ordinance regulating parking in the City of Lufkin.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that Amendment to the Traffic Ordinance regulating parking in the City of Lufkin be approved on Second and Final Reading with fines designated at \$5/\$10/\$25. A unanimous affirmative vote was recorded.

**7. ORDINANCE - APPROVED - SECOND READING - GENERAL OBLIGATION BONDS, SERIES 1996**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance authorizing the issuance of City of Lufkin, Texas General Obligation Bonds, Series 1996.

City Manager Maclin stated that this is the last step for the issuance of the \$3.6 million General Obligation Bonds for street improvements.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that Ordinance authorizing the issuance of City of Lufkin, Texas General Obligations Bonds, Series 1996 be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE - APPROVED - SECOND READING - APPROPRIATIONS 1996-'97**

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Appropriations Ordinance for 1996-'97.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the Appropriations Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**9. ORDINANCE - APPROVED - SECOND READING - TAX LEVYING ORDINANCE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Tax Levying Ordinance for 1996-'97.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the Tax Levying Ordinance for 1996-'97 be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**10. ORDINANCE - APPROVED - SECOND READING - WATER RATES REVISED - RESIDENTIAL/COMMERCIAL**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise residential and commercial water rates.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance revising residential and commercial water rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**11. ORDINANCE - APPROVED - SECOND READING - SEWER RATES REVISED**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise sewer rates.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance revising sewer rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**12. ORDINANCE - APPROVED - SECOND READING - SOLID WASTE RATES**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise solid waste rates.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance revising solid waste rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**13. ORDINANCE - APPROVED - FIRST READING - WATER METER CONNECTION FEES REVISED**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to revise water meter connection fees.

City Manager Maclin stated that included in the packet is a proposed revision of the existing Ordinance amending Chapter 26 relating to deposits. City Manager Maclin stated that the purpose of increasing the deposits is to maintain pace with the increase in rates to minimize exposure by the City for non-payment of bills. City Manager Maclin stated that the City had a very nominal connection fee in the Utility Billing Department, which was non-collectible percentage wise, and the reason for the increase in the deposits is to cover those individuals who leave the City and leave an unpaid bill. City Manager Maclin stated that as the City increases rates it increases the amount of the bill and typically a bill can be two months behind before it is turned off. City Manager Maclin stated that there was a question about the residential outside the City rate being a little less, and it is that the customer being outside the City pays a little less (even though they pay 1 1/2 times the rate) because they do not pay the garbage rates. City Manager Maclin stated that the rest of the deposits are predicated on what would be a typical two month bill, so the City would have a deposit to pay any unpaid bill and minimize its loss.

Mayor Bronaugh stated that at one time the water meter deposits were not increased as the water rates were, and the City got behind on deposits. City Manager Maclin stated that this only applies to new customers. In response to question by Councilmember Gorden, City Manager Maclin stated that if a citizen moves from one location to another within the City they have to pay the difference in the old deposit and the new deposit.

Councilmember Gorden stated that, in his opinion, the fee for a restaurant should be higher than the figure listed, in relation to a residential connection. City Manager Maclin stated that there are a lot of small restaurants in the City and an effort is made to try and not penalize the small restaurants because of the larger ones. Councilmember Gorden stated that perhaps the fee could be figured on the seating capacity. City Manager Maclin stated that he would ask the Utility Billing Department to take a look at this.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that Ordinance to revise water meter connection fees be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**14. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - RESIDENTIAL SMALL DISTRICT - WHITE HOUSE DRIVE - AT&T WIRELESS COMMUNICATIONS - BOB STEINWEG**

Mayor Bronaugh stated that the next item for consideration was request of Bob Steinweg of AT&T Wireless Communications to grant a Special Use Permit in a "RS" Residential Small District on approximately 30.823 acres of land located at 1310 White House Drive.

City Manager Maclin stated that included in the Council packet is a memorandum relating to this request that went to P & Z a week ago yesterday. City Manager Maclin stated that this request came to the City Council with a 4 to 1 vote of denial, but the next day after the meeting several of the opponents called the Planning Office and voiced a change in their position. City Manager Maclin stated that staff is recommending to Council, based on this changed position, that the request be referred back to the Planning and Zoning Commission for further consideration. City Manager Maclin stated that the people who live within the appropriate distant who spoke at the P&Z meeting will be notified that they can come back and express their opinion whether it has changed or not. City Manager Maclin stated that staff felt like the majority of the opposition had been removed after the meeting and further discussion with the property owners, and would recommend that Council send this request back to the Planning & Zoning Commission for further review.

Councilmember Bowman stated that he had received a call from a lady whose name was on the list of property owners in the immediate area and she did not receive notification of the meeting. Councilmember Bowman stated that she did not acquiesce to the request and stated that there were others who still remain opposed. City Planner Michael Bieniek stated that he spoke with the lady (Cindy McCants) this morning and she said her address was correct and that she had experienced problems with the mail service in her area. Mr. Bieniek stated that everyone else who was opposed to the request has signed a petition except Mrs. McCants. Councilmember Bowman requested that Mrs. Cants be notified of the request being sent back to the Planning & Zoning Commission.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that request of Bob Steinweg of A T&T Wireless Communications to grant a Special Use Permit in a "RS" Residential Small District on approximately 30.823 acres of land located at 1310 White House Drive be returned to the Planning & Zoning Commission for further consideration. A unanimous affirmative vote was recorded.

**15. ANNEXATION REQUEST - APPROVED - UNITED PENTECOSTAL CHURCH - US HIGHWAY 59 - FM 819 - DANNY RUSSO**

Mayor Bronaugh stated that the next item for consideration was the request of Danny Russo of United Pentecostal Church to initiate annexation proceedings on two tracts of land approximately 29.3895 acres adjacent to the campground and generally located at the southwest corner of U S Highway 59 and FM 819.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department regarding this site, a letter from the Texas District of the United Pentecostal Church seeking the annexation, a location map of the area to be included in the annexation which is different from their existing property already in the City limits, a description of the two tracts, and a proposed annexation schedule.

City Manager Maclin stated that staff is seeking two things from Council tonights and they are (1) initiation of the annexation process and (2) approval of the proposed annexation schedule. City Manager Maclin stated that the primary purpose the Church is seeking annexation is to provide utilities so that they can

consider expansion of their RV hook-ups. City Manager Maclin stated that as noted in the memorandum the City does have water and sewer service adjacent to the area so the City's expense for extension of the line would be minimal. City Manager Maclin stated that this is really a revenue neutral issue - the City will collect revenue from the sale of water and will not collect property tax because the Church is tax exempt.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that annexation proceedings on two tracts of land approximately 29.3895 acres adjacent to the campground and generally located at the southwest corner of U S Highway 59 and FM 819 be initiated with the Public Hearing set for September 17, 1996, and that the annexation schedule be approved as presented. A unanimous affirmative vote was recorded.

**16. RESOLUTION - APPROVED - AMENDMENT TO CITY'S 1993 HOME PROGRAM GUIDELINES**

Mayor Bronaugh stated that the next item for consideration was a Resolution amending the City's 1993 HOME Program guidelines.

City Manager Maclin stated that included in the Council packet is a proposed Resolution for the 1993 HOME Program Guidelines with some suggested changes. City Manager Maclin stated that included in the packet is a letter from the Neighborhood Improvement Committee Chairman Rufus Duncan, Jr. requesting these changes and a letter from Kenneth Williams, Community Development/Code Enforcement Housing Development showing the progress of previous grants.

Mr. Williams stated that there are three basic reasons why the Neighborhood Improvement Committee is looking for these changes and they are (1) The guidelines needed to be amended to change the maximum amount for rehabilitation from \$25,000 down to \$15,000. Mr. Williams stated that the available amount of the grant is only \$200,000 and by State mandate the City is required to complete 14 homes, therefore, the amount per home must be reduced in order to guarantee that 14 homes are completed. Mr. Williams stated that (2) they are recommending that reconstruction be deleted as an eligible activity. Mr. Williams stated that because of the amount of the grant and the number of homes they propose to complete, reconstruction must be deleted. Mr. Williams stated that a reconstructed house can cost as much as \$45,000 per house and would put them in jeopardy of not being able to complete the 14 homes. Mr. Williams stated that (3) the Committee is requesting that this program be named the "Lufkin Home Improvement Program" in order to differentiate between the 1992 and the 1993 program. Mr. Williams stated that the programs are vastly different and they are trying to eliminate any confusion within the community of what is offered in each program. Mr. Williams stated that the Lufkin Home Improvement Program will be a program that will offer a basic program that addresses health and safety issues (plumbing, electrical, roofs and windows).

Mr. Williams stated that also included in the packet is some information from the 1992 program. Mr. Williams stated that it is a summary showing that 17 homes were completed with a total construction cost of \$467,630.59. Nine homes were rehabbed under the program for a cost of \$312,173.53 (six two-bedrooms, two three-bedrooms, and one four-bedroom). The average cost of reconstruction was \$34,685.95. Mr. Williams stated that eight homes were completed under the reconstruction program at an average cost of \$19,432.13, and a total cost of \$155,457.06. Mr. Williams stated that the 1992 HOME Program is complete, and he would like to thank the Neighborhood Improvement Committee for their hard work in this program and being able to complete it by the July 31, 1996 deadline. Mayor Bronaugh commended Mr. Williams and his staff for their hard work.

In response to question by Councilmember Gorden, Mr. Williams stated that if the

grant application for the first time homebuyer assistance program is approved the City will have three housing grants. Councilmember Gorden stated that he, too, would like to commend Mr. Williams for his participation in this program.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Resolution amending the City's 1993 HOME Program guidelines be approved as presented. A unanimous affirmative vote was recorded.

17. **BID - TABLED - PAUL STREET CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for Paul Street construction.

City Manager Maclin stated that he was requesting that this item be tabled to allow staff a little more time to review the bid documents.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that bids for Paul Street construction be tabled until the September 17 Council meeting. A unanimous affirmative vote was recorded.

18. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 5:35 p.m. to enter into Executive Session. Regular Session was reconvened at 6:10 p.m. and Mayor Bronaugh stated that Attorney/Client matter and appointments to Boards and Commissions was discussed.

19. **APPOINTMENT - APPROVED - LUFKIN BOARD OF DEVELOPMENT - NICK WOLDA**

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Nick Wolda be appointed to the Lufkin Board of Development for a three year term. A unanimous affirmative vote was recorded.

20. **COMMENTS**

City Manager Maclin reminded Councilmembers of the First Friday luncheon at Crown Colony Country Club on Friday, September 6.

21. There being no further business for consideration, meeting adjourned at 6:11 p.m.

  
Louis A. Bronaugh - Mayor

ATTEST:

  
Atha Stokes - City Secretary