

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
4TH DAY OF JANUARY, 1994 AT 5:00 P.M.**

On the 4th day of January, 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
Don Boyd	Mayor pro tem
Percy Simond	Councilman, Ward No. 1
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, and

Larry Kegler	Councilman, Ward No. 3
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Dewey Bowen, Minister, First Presbyterian Church,
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of December 20, 1993 were approved on a motion by Councilman Jack Gorden, Jr. and seconded by Councilman Don Boyd. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF CERTIFICATE OF COMMENDATION - JAMES THOMPSON - CITY EMPLOYEES INCENTIVE PROGRAM AND SUGGESTIONS**

Mayor Bronaugh presented a Certificate of Commendation to James Thompson in recognition of his participation in the City Employee Incentive Program and Suggestions, which improves the efficiency of City operations.

5. **DISPENSATION OF ANNEXATION - APPROVED - SPENCE STREET**

Mayor Bronaugh stated that the first item for consideration is dispensation of annexation of approximately 90.029 acres of land located on the west side of Spence Street.

City Manager Maclin stated that this was initiated in the beginning due to a request from Roadway Parcel Services, who are locating a facility on Spence Street, and desired City services and annexation into the City. City Manager Maclin stated that in order to annex them, staff also looked at the timing of annexing the balance of the Lufkin Industrial Foundation property. City Manager Maclin stated that the Lufkin Industrial Foundation property surrounds the Texas Smokehouse property and the City would then, by law, be required to annex the Texas Smokehouse property. City Manager Maclin stated that in 1990 the Texas Smokehouse group requested Tax Abatement from the City only to find that only a small portion of their property

and building were inside the City limits, therefore negating the need for Tax Abatement. City Manager Maclin stated that if the City were to annex this property now, then Texas Smokehouse would be at a disadvantage in that they would be required to pay City taxes, and being after the fact, where their building and expansion would be ineligible for Tax Abatement. City Manager Maclin stated that this would be a penalty for Texas Smokehouse in that they did try to seek a Tax Abatement when they thought their property was in the City limits. City Manager Maclin stated that it was discussed at the last Council meeting that there is a way to have an end result that produces the same tax abatement and that would be to delay this annexation for 12 months until 1995, meaning there would be no tax liability until February, 1996. City Manager Maclin stated that they will actually come out \$8,000 ahead by the City delaying the annexation from what Tax Abatement they would have received had they been in the City limits in 1990. City Manager Maclin that, in his opinion, they will have accomplished the intent of what was requested in 1990 by delaying this annexation process. City Manager Maclin stated that the only small problem that that produces is the fact that RPS is the one that had requested annexation, and staff has agreed to go ahead and extend water and sewer services to them at a Council meeting in December. City Manager Maclin stated that he is seeking Council's authorization, since it is not by fault of RPS under this circumstance, that they not be annexed at this time, and that they receive City rates even though they will be outside the City a few feet. City Manager Maclin stated that the two things he would be seeking Council's approval on would be (1) that the annexation is delayed for a 12-month period and bring it back to Council in January, 1995, and (2) that Council authorize RPS to receive in-City rates for this 12-month period until they are able to be annexed, otherwise they would have to pay 1 and 1/2 times the rate for water and sewer.

In response to question by Mayor Bronaugh, City Attorney Flournoy stated that there needs to be a specific limitation of time for RPS to be billed at in-City rates in the event that the annexation did not occur at the end of the 12 months. Mr. Flournoy stated that if at the end of the 12-month period the annexation does not take place, RPS would be billed at the rate of 1 and 1/2 times for City water and sewer service.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Bob Bowman that the annexation of the approximately 90.029 acres of land located on the west side of Spence Street be delayed for a 12-month period; that RPS be authorized to receive in-City rates for the 12-month period with the stipulation that at the end of the 12-month period if the annexation has not taken place, then RPS would be charged at 1 and 1/2 times the rate for City water and sewer service. A unanimous affirmative vote was recorded.

6. FEE SCHEDULE - TABLED - RENTALS - PITSER GARRISON/LUFKIN CIVIC CENTER

Mayor Bronaugh stated that the next item for further consideration is the fee schedule for rentals at the Pitser Garrison/Lufkin Civic Center.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond that this item be tabled until there is a full Council. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - TERESA NEAL - RUTH DENNIE - DAY NURSERIES - RESIDENTIAL LARGE ZONING DISTRICT

Mayor Bronaugh stated that the next item for consideration is a request by Teresa Neal and Ruth Dennie to amend the Comprehensive Zoning Ordinance by amending the definition of Day Nurseries and allowing Day Nurseries in Residential Large Zoning Districts.

City Manager Maclin stated that basically this request was initiated by a citizen who was conducting day nursery services. City Manager Maclin stated that technically this was in violation of the City's Ordinance, and as a result, a complaint was filed.

City Planner Stephen Abraham stated that currently the Zoning Ordinance places the provision of child care into two categories: (1) Day Nurseries with not more than four children not related by blood in Residential Small and Medium, and prohibited in Residential Large; and (2) Day Nurseries with more than six children not related by blood. City Planner Abraham stated that the new regulation will more closely resemble the State's regulation for "Registered Family Homes" which allows six children. The new regulation will require that the operator display a current registration certificate from the appropriate State agency. City Planner Abraham stated that Day Nurseries will also be allowed in Residential Large Zoning Districts.

City Planner Abraham stated that staff is changing the Day Nurseries with more than four children to Day Care Facilities. These child care facilities would require a Special Use Permit in all zoning districts, which is currently the case.

In response to question by Mayor Bronaugh, Ruth Dennie, applicant, stated that she is not certified with the State, but is in the process of becoming certified. Mrs. Dennie stated that the standards that are required for State Certification are clean homes, safe toys, safety electrical outlets, etc.

There was no opposition present.

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. PUBLIC HEARING DATE - APPROVED - TAX ABATEMENT - TEXAS FOUNDRIES

Mayor Bronaugh stated that the next item for consideration is setting a Public Hearing date for a Tax Abatement as requested by Texas Foundries.

City Manager Maclin stated that on the Council table is a copy of a letter from James Milstead, Vice President and General Manager of Texas Foundries, which also includes a completed application form. City Manager Maclin stated that this applicant far exceeds the point threshold for the maximum tier for Tax Abatement. City Manager Maclin stated that Texas Foundries is in the City's Enterprise Zone, therefore, it should basically be considered an automatic consideration for Tax Abatement in that they meet the point threshold and are in the Enterprise Zone. City Manager Maclin stated that he would suggest that the Public Hearing be set for January 18, 1994.

Mr. James Milstead and Mr. Sam Alfano, representing Texas Foundries, were present.

In response to question, City Manager Maclin stated that the Tax Abatement can only be for the new value added; previous value, previous current value of the land, current value of the buildings and equipment are still on the tax roles and cannot be legally removed from the tax roles. City Manager Maclin stated that this application is for an estimated \$10,000,000 of improvements over the next five years, and also projects 150 full time jobs added to the facility. City Manager Maclin stated that this is the kind of expansion that he would call the epitome of perfect economic development for Lufkin. City Manager Maclin stated that he would strongly recommend the City do everything it can to help Texas Foundries to remain competitive in the foundry business.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob

Bowman that Public Hearing date for Tax Abatement as requested by Texas Foundries be set for January 18, 1994. A unanimous affirmative vote was recorded.

Councilman Gorden stated that, in his opinion, it should not be left unsaid how lucky the City is that Texas Foundries has decided to expand. Councilman Gorden stated that this is a compliment to the management and to the City that they decided on this expansion.

9. COST INCREASE - APPROVED - TWO INCH (2") WATER METER INSTALLATION

Mayor Bronaugh stated that the next item for consideration is increasing the cost for installation of a 2" water meter.

City Manager Maclin stated that included in the packet is a letter of explanation from the Asst. City Manager of Public Works, along with a breakout of the cost of the installation of a 2" water meter. City Manager Maclin stated that the cost of installing these meters, including the hardware, has increased substantially since the last time the Council approved the water meter rates.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. that cost for the installation of a 2" water meter be increased to \$1,850. A unanimous affirmative vote was recorded.

10. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:36 p.m. to enter into Executive Session. Regular Session reconvened at 6:17 p.m. and Mayor Bronaugh stated that Council had discussed personnel matters. Mayor Bronaugh stated that Council had discussed the Performance Evaluation for City Manager C. G. Maclin and it was the consensus of opinion that the City Manager is exceeding all the standards the Council has set forth for him. Mayor Bronaugh stated that the Council is extremely happy with his performance.

Motion was made by Councilman Tucker Weems and seconded by Councilman Bob Bowman that based upon the Performance Evaluation, the City Manager's salary be increased by 3 1/2% with a \$100 increase in his automobile allowance. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that Councilman Larry Kegler was not present at tonight's meeting, but his evaluation form had been received.

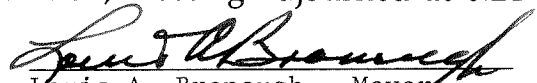
Mayor Bronaugh stated that he would personally like to commend the City Manager on the excellent job he is doing for the City of Lufkin. The Councilmembers concurred that the City Manager is doing an excellent job for the City. City Manager Maclin stated that he appreciated the support of the Mayor and Councilmembers.

11. COMMENTS

City Manager Maclin stated that Shey Burgamy from the Texas Department of Community Affairs will present a report on the City of Lufkin, Friday, January 7, at City Hall at 9:00 a.m. in the City Hall Council Chambers.

Councilman Bob Bowman stated that David Burnsen will be speaking at the DETDA Annual meeting on Thursday, February 3.

12. There being no further business for consideration, meeting adjourned at 6:24 p.m.


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary

1/04/94