

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
6th DAY OF NOVEMBER 2001 AT 5:00 P. M.

On the 6th day of November 2001 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 Bronaugh	Mayor
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works

Being present, and

Dennis Robertson

Mayor pro tem

Being absent when the following business was transacted.

1. Rev. Dewey Bowen, Pastor, First Presbyterian Church, opened meeting with prayer.
2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Don Boyd that the minutes of the Regular Meeting of October 16, 2001, the Joint Meeting of the City Council and the Parks Advisory Board of October 1, 2001, and the Joint Meeting of the City Council, Planning & Zoning Commission and the Comprehensive Plan Update Steering Committee of October 4, 2001 be approved as presented. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING – ANNEXATION – US 59 AND DANIEL McCALL DRIVE

Mayor Bronaugh opened Public Hearing to consider annexation of approximately 528.4 acres of land located south of the existing City limit and lying between U. S. 59 and Daniel McCall Drive and extending approximately 1,700 feet south of the intersection of Carriage Drive and U. S. 59 and land fronting the east right-of-way line of U. S. 59 and extending south of the existing City limit approximately 5,000 feet.

Mack Coward stated that he was present to speak about the zoning on FM 819 running along Daniel McCall Drive. Mr. Coward stated that he had met and gone over his request with Mr. Abraham. Mr. Coward stated that the reason he would like to stay outside the City limits of Lufkin is because he has bird dogs that he trains and has live quail and in order to train a bird dog you have to shoot a gun and kill a quail in order for the dog to learn to retrieve. Mr. Coward stated that it is against the law to shoot a gun in the City limits of Lufkin. Mr. Coward stated that he had lived on his property for 35 years and would like for a portion of it not to be annexed.

Mr. Coward stated that he had three neighbors on the other side of him and had brought letters from them to present to Council. (Wendell Matchett, Bill Perkins, and Mr. Williams). Mr. Coward stated that Mr. Williams and his son target practice behind their house.

Stephen Abraham, Director of Planning, stated that if the Council does decide to leave a portion of this property out, he would ask that Council ask Mr. Coward to replat his property to create two lots so that the annexation could follow the property line. Mr. Abraham stated that it is very difficult to enforce zoning when it is running down through the middle of a lot. Mr. Abraham stated that as soon as Mr. Coward has the lots platted he would get the field note description before the Ordinances are read. Mr. Coward stated that he would comply with the request by the City.

Andrew Beasley stated that he had moved out to the country to get outside the City and was opposed to the annexation. Keith Beasley stated that he lived at the end of Shirey Drive and is directly in line with the annexation. Mr. Beasley stated he had livestock, chickens and a pond where he raises catfish. Mr. Beasley stated that he also has to do some shooting from time to time to protect his livestock. Mr. Beasley stated that he moved to his present location two years ago and doesn't see any benefit to be annexed into the City.

John Miller stated that he was not vehemently opposed to the annexation but he thought that it would be appropriate for the City to try and minimize the amount of land they need to provide for The Settlement.

Melba Gibson stated that she was not opposed to the annexation for The Settlement subdivision because she knew that they needed a sewer system. Ms. Gibson stated that she lives on the east side of Highway 59 and wanted to know if the annexation could go down the west side of the Highway and not take in the east side. Ms. Gibson stated that she owns property on the other side of The Settlement and judging from the map the annexation would cease at the end of her property and not go all the way to the FM road that goes through there. Ms. Gibson stated that she was only protesting the annexation on her side of the Highway.

Teresa Beasley stated that they lived in Houston and moved down here for their children to be able to grow up in the country. Ms. Beasley stated that if they are annexed into the City her children will no longer have the joy of having whatever pet they want and having the privileges of living outside the City.

Judge Paul White stated that he wanted to reaffirm some matters on behalf of the people who live in The Settlement. Judge White stated that their request originated because of what will always be a vex able problem for anyone who lives outside of municipalities, and that is sewer treatment, whether it is a small home owner or private subdivision. Judge White stated that they would request the City Council to the extent that is legally possible to minimize any involvement of other property owners or homeowners who are not so inclined to be a part of the City. Judge White stated that it was not their intent to be at odds with their neighbors whether they are next door or down the road. Judge White stated that having said that, he would also like to have it reaffirmed that The Settlement is paying the cost through a special assessment, which he understands that heretofore this has never been done when a subdivision is annexed this size. Judge White stated that they are literally going to be paying for the increased values, if any, for other adjoining property owners that won't participate in that assessment.

City Manager Maclin stated that he would like for Mr. Abraham to come and show the maps and talk about the minimum requirements by law so that everyone is legally informed about what the City is required to do in order to assist The Settlement with their needs relating to City sewer service and other City benefits through annexation. Mr. Maclin stated that there is a minimum distance that is required by law in terms of minimum width to make the annexation from the current City limits down to The Settlement. Mr. Maclin stated that Mr. Abraham could address some of the specific individuals who have spoken this evening in opposition to annexation and show the possibilities and some of the problems. Mr. Maclin stated that one of the problems is where you have a property owner who because of the annexation would be surrounded by the City limits, once again State law prohibits the City from exempting that property from being annexed. Mr. Maclin stated that you couldn't surround a piece of property on three sides by law and not annex them.

Mr. Abraham marked the properties owned by the Beasleys and showed where Mr. Miller's, Mr. Coward's, and Mrs. Gipson's property was on the map. Mr. Abraham stated that Mr. Coward's proposal is in the best interest of the City and wants staff to work out splitting his property. Mr. Abraham stated that the minimum width of an annexation is 1,000 feet, and showed the 1,000 foot boundaries on the map.

In response to question by Councilmember Bowman regarding annexing The Settlement but not the Beasley's property, Mr. Abraham stated that he would have to study and measure, but that it would be an odd configuration. Mr. Abraham stated that there will be a second Public Hearing in two weeks and he would come back at that time with a staff recommendation on what they think the City's options are. Mr. Abraham stated that the real easy answers he could give at this time as far as a recommendation is if Council chooses to grant these requests, then he would suggest stopping the annexation at the Gipson's property.

In response to question by Councilmember Bowman, Mr. Abraham stated that the City would maintain all water and sewer immediately upon annexation. City Manager Maclin stated that these people are getting water through the Burke System, which the City obtained and the advantage for annexation versus being on the system as it is now, is a reduction in rates. Mr. Maclin stated that they are paying 1.8 times the City rate and once they come into the City it would drop down to the City rate.

City Manager Maclin stated that the consensus of opinion of the Council is to direct the Planner to go back and make those two changes and then evaluate options for the other requests on the inside of Daniel McCall. Mr. Maclin stated that those changes would be brought back to Council on November 20th.

Mayor Bronaugh closed the Public Hearing.

5. PUBLIC HEARING – ANNEXATION – FM HIGHWAY 324 – SADDLE CREEK DRIVE

Mayor Bronaugh stated that the next item for consideration was a Public Hearing to consider annexation of approximately 147.3 acres of land located on the west side of FM Highway 324 and extending south along the highway right-of-way to the south right-of-way line of Saddle Creek Drive approximately 495 feet to a creek then north to the existing City limit line established by Ordinance No. 1793.

Roy Carnes stated that he lived on Gobblers Knob Road and has approximately 10 acres of land and 20 renters and he wanted to know what this annexation would do to his livelihood. Mr. Carnes stated that on his property he had rent houses, mobile homes and travel trailers and wanted to know if this would shut him down. Mr. Carnes asked if his property would be allowed to come into the City under a "grandfather clause". Mr. Carnes stated that he was retired from the Highway Department and was on Social Security and the rental property was his livelihood.

Stephen Abraham stated that with regard to Mr. Carnes' current operation, he would be legal non-conforming use, "grandfathered". Mr. Abraham stated that the City would go and access exactly what he is doing on his property and how big his trailer park is. Mr. Abraham stated that he would not be allowed to expand, but he could continue to operate it or anyone after him could continue to operate it until such time that they discontinued the uses for a period of six months or more. Mr. Abraham stated that he did not have a firm recommendation on the zoning yet, but it will probably be a non-conforming designation.

In response to question by Councilmember Bowman, Mr. Abraham stated that Mr. Carnes property was #8 on the map.

In response to question by Councilmember Gorden, Mr. Abraham stated that Council could direct him to start the annexation process all over if they wanted to because we cannot make the area larger, but it could be made smaller. Mr. Abraham stated that if he has to start over, the annexation area must be 1,000 feet wide. Keith Wright, City Engineer, stated that some of those lines are based on proposed development and will be re-platted into property.

Mr. Carnes stated that he would like to look at the map, because the one he received in the mail did not fit. (The conversation between Mr. Abraham and Mr. Carnes was inaudible on the tape.)

In response to question from Mayor Bronaugh, Mr. Carnes stated that he receives water from the City but also has wells on his property. Mr. Carnes stated that he wanted to be able to grow.

City Manager Maclin stated that one of the advantages of the annexation would be the fact that Mr. Carnes does have City sewer and he would not have to worry about the maintenance and upkeep on the sewer system. Mr. Maclin stated that Mr. Carnes would also have fire protection, which will lower his insurance rates. Mr. Carnes stated that he has a fire hydrant on his property.

Councilmember Bowman stated that he would like staff to work out something with Mr. Carnes. City Manager Maclin asked that Mr. Carnes submit a plan to City staff prior to the annexation. Mr. Abraham stated that this is a zoning issue and the City would have to give him a zoning classification that allows that, and that would basically be a mobile home park and he could apply for that. Mr. Abraham stated that everyone within 200' would be notified of this request and he is not sure that the people on the south ridge would necessarily go along with that zoning.

In response to question by Councilmember Gorden, Mr. Carnes stated that he is utilizing about 2 ½ acres of his 10 acres for the rental property and the rest of it is in pine timber. Mr. Carnes stated that he did not understand what type of zoning he would be classified as since he has houses, mobile homes and travel trailers. Mr. Gorden stated that, unless he misunderstands, what is already there will be "grandfathered". Mr. Carnes stated that he is also wondering about how many meters will have to be hooked up. He stated that the way his drainage is designed is that it can all be done on one tap at the lower end of his property because it will all go down hill. Mr. Carnes stated that the grease traps and septic tanks he has now would keep the grease out of the City's lines.

In response to question by Councilmember Gorden, Mr. Abraham stated that with Mr. Carnes mixture of uses, the City does not allow stick built homes in the mobile home zoning district. Mr. Abraham gave an example of a ruling by the Zoning Board of Adjustment & Appeals regarding land usage.

Mr. Carnes asked if he would be allowed to build houses on his property that is undeveloped now. Mr. Abraham stated that the property would have to be divided into lots. Mr. Carnes asked if he was going to rent the houses why he would have to divide the property into lots. Mr. Abraham stated that if the property is zoned Single Family Residential, the City would only allow one residence per lot. Mr. Carnes asked about apartments. Mr. Abraham stated that if the property were zoned Apartments he could do that but it still would not allow for multiple single family dwellings on the lot – it would have to be apartments. Mr. Abraham stated that the City did not have to have an answer on the zoning for three weeks, but he could make a recommendation to the Planning & Zoning Commission and see if he could come up with something different. Mr. Abraham stated that his preliminary recommendation is for Residential Large, but could change right up until the time it goes to the Planning & Zoning Commission. Mr. Abraham stated that his recommendation will still be what he thinks is best overall for the City.

Councilmember Gorden stated that he personally would like to see it come in, and in the long run everyone would benefit from that including Mr. Carnes. Mr. Gorden stated that he wished that there were some way that the City could accommodate Mr. Carnes. Mr. Abraham stated that he would be as creative as he possibly can with one limitation and that is that he will recommend what, in his opinion, is the best for the City. Mr. Carnes asked why have that property if he cannot grow and cannot build on it. Mr. Carnes stated that he had been in the rent business all of his life and did not know anything else. Mr. Carnes stated that he did not want to get hemmed up where he cannot provide a place to live for his kids and grandkids. Mr. Abraham stated that if Mr. Carnes does not know at this time what he wants to do with the property, the zoning

doesn't have to stay the way it is. Mr. Abraham stated that if Mr. Carnes comes in with a good plan that the City can support, then we have options to build around a plan that he has and perhaps we could put a Planned Unit Development on the property. Mr. Abraham stated that he needs a concrete plan that he can build rules around. Mr. Abraham stated that even if the property comes in as Residential Large now and Mr. Carnes has ideas in the future, and the Planning & Zoning Commission and the City Council thinks that that idea is in the best interest of the City then he can put a Planned Unit Development on four acres.

Bill Greenville, who has property at the corner of FM 1336 and FM 324, asked if there would be any problem with him going Commercial at this location? Mr. Abraham stated that the City is going to recommend some type of non-residential zoning. Mr. Abraham stated that the zoning would be either Local Business or Commercial. Mr. Maclin stated that the opportunity to speak about the zoning will be at the Planning & Zoning Commission meeting and they will then make a recommendation to the City Council.

Waymon Bullock stated that he had some questions about the annexation. Mr. Bullock stated that he would like to know what will happen to the Old Gobblers Knob Road and what is the proposed sewer line. Mr. Wright stated that the City has already run some sewer lines through that area and doesn't see bringing in the sewer as a problem. Mr. Wright stated that the street would be a City street once it is annexed and the City will maintain the street. Mr. Maclin invited Mr. Bullock to come by the Planning & Zoning Department for answers to any further questions.

Doug Ashburn asked what would happen to the Tobias' family property that is a single family residence if several of the residents wanted to be Commercial. Mr. Abraham asked that Mr. Ashburn meet him upstairs and he would discuss the zoning with him.

Mayor Bronaugh closed Public Hearing.

6. ORDINANCE – APPROVED – SECOND READING – ADOPTION OF NEW WARD LINES WITHIN CITY OF LUFKIN

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance adopting new Ward lines within the City of Lufkin.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Ordinance adopting new Ward lines within the City of Lufkin be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. BID – APPROVED – PUMP REPLACEMENT – WATER POLLUTION CONTROL PLANT – HARTWELL ENVIRONMENTAL

Mayor Bronaugh stated that the next item for consideration was award of bid for pump replacement for the Water Pollution Control Plant.

City Manager Maclin stated that included in the Council packet is the bid tabulation for this item and staff is recommending the low bid of Hartwell Environmental in the amount of \$22,220.

In response to question by Councilmember Bowman, Mr. Maclin stated that all of the bid items on tonight's agenda were within budget.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that the bid of Hartwell Environmental in the amount of \$22,220 for pump replacement at the Water Pollution Control Plant be approved as submitted. A unanimous affirmative vote was recorded.

8. BID – APPROVED – ¾ TON CREW CAB PICKUP TRUCK – WATER POLLUTION CONTROL PLANT – TIPTON FORD

Mayor Bronaugh stated that the next item for consideration was bids for a ¾ ton crew cab pickup truck for the Water Pollution Control Plant.

City Manager Maclin stated that included in the Council packet is the bid tabulation and staff is recommending the low bid of Tipton Ford in the amount of \$21,315.

In response to question by Councilmember Bowman, City Manager Maclin stated that the City did not receive any local bids on the pickup trucks.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that the bid of Tipton Ford in the amount of \$21,315 for a ¾ ton crew cab pickup truck for the Water Pollution Control Plant be approved as submitted. A unanimous affirmative vote was recorded.

9. BID – APPROVED – THREE PICKUP TRUCKS – VARIOUS DEPARTMENTS – LAWRENCE MARSHALL CHEVROLET

Mayor Bronaugh stated that the next item for consideration was bids for three pickup trucks for various departments.

City Manager Maclin stated that included in the Council packet is the bid tabulation and the staff recommendation is the low bid of Lawrence Marshall Chevrolet in the amount of \$13,994 each, or a grand total for the three units of \$41,982.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the bid of Lawrence Marshall Chevrolet in the amount of \$13,994 each for three pickup trucks (for a total of \$41,982) for various City departments be approved as submitted. A unanimous affirmative vote was recorded.

10. BID – APPROVED – DUMP TRUCK – PARKS DEPARTMENT – LAWRENCE MARSHALL CHEVROLET

Mayor Bronaugh stated that the next item for consideration was bids for a dump truck to be used in the Parks Department.

City Manager Maclin stated that included in the Council packet is the bid tabulation and the staff recommendation is the bid of Lawrence Marshall Chevrolet in the amount of \$38,378.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that bid of Lawrence Marshall Chevrolet in the amount of \$38,378 for a dump truck to be used in the Parks Department be approved as submitted. A unanimous affirmative vote was recorded.

11. BUDGET ADJUSTMENT – APPROVED – KURTH MEMORIAL LIBRARY

Mayor Bronaugh stated that the next item for consideration was a budget adjustment request to the Kurth Memorial Library budget.

City Manager Maclin stated that included in the Council packet is a letter of request from Terri Boomer, the Director of the Kurth Memorial Library. Mr. Maclin stated that basically this is a request to change the FTE levels in this department. Mr. Maclin stated that it is not a financial change in a sense that it is slightly less than the money allocated in the budget under Contract Services for janitorial. Mr. Maclin stated that the desire is to have a full time employee that is on site and is able to make corrections to problems that happen in the restrooms and other areas throughout the day as well as assist in unloading of book deliveries and other odds and ends that a janitorial person can provide. Mr. Maclin stated that basically staff is seeking an amendment and Mr. Hager will come back at a later date with a formal budget amendment as we normally do throughout the year.

In response to question by Councilmember Gorden, Mr. Maclin stated that this pay scale is consistent with all of the other City departments. Mr. Maclin stated that the City does surveys with both the private sector and the public sector for similar job descriptions. Councilmember Gorden stated that this amount seems too high to him relative to the responsibilities. Mr. Maclin stated that the City maintains some degree of consistency in terms of like jobs and like job descriptions as a requirement of the law. Mr. Maclin stated that if it is a little above average then obviously it improves our chances of longevity and retention.

Councilmember Boyd stated that, in his opinion, this would be good for the library.

Mr. Hager stated that the salary is \$8.94 per hour and there is a breakdown that shows that the salary would be a little less than \$19,000 and the difference between the \$19,000 and \$26,000 would be the benefits cost.

Councilmember Torres stated that, for the record, a new teacher in LISD makes \$24,000.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that budget adjustment request to the Kurth Memorial Library be approved as requested. The following vote was recorded:

Aye: Councilmembers Boyd, Bowman, Torres, Kuykendall and Mayor Bronaugh
Nay: Councilmember Gorden

Motion carried with five affirmative votes.

12. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:58 p. m. to enter into Executive Session. Regular Session reconvened at 6:35 p.m. and Mayor Bronaugh stated that the Council had discussed attorney/client matters and the demolition of dilapidated houses.

City Attorney Flournoy stated that City staff has gone over a lot of different properties that Code Enforcement has been working very diligently over a long period of time trying to get people to fix up their property or tear the dilapidated houses down. Mr. Flournoy stated that in each instance staff believes that the houses are beyond repair and that they are health and safety hazards for the community and in many cases they are being used as crack houses and places for vagrants. Mr. Flournoy stated that there is some degree of urgency to get the following houses demolished.

1. 602 Maple
2. 405 Doss
3. 902 Glenn Avenue
4. 1901 Lakeview

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the above listed dilapidated houses recommended by the City Attorney for demolition be approved as presented. A unanimous affirmative vote was recorded.

13. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBER, AND CITY MANAGER

City Manager Maclin stated that on November 9th DETCOG would host a technology forum at City Hall from 9 a.m. until 12 noon

City Manager Maclin stated that on Thursday, November 8th, there would be a joint meeting of the City Council and the Lufkin Board of Development at 4:00 p.m. to discuss issues relating to hotel/motel taxes that were mentioned at the Retreat.

City Manager Maclin stated that Monday, November 12th, would be Veterans Day holiday for City employees.

City Manager Maclin stated that on November 13th at 5:00 p.m. the Planning & Zoning Commission would hold a Public Hearing at City Hall for the Comprehensive Plan Update.

City Manager Maclin stated that on November 15th at 9 a.m. at Lufkin Middle School would be Angelina Beautiful/Clean recycles day pep rally, and this is also the day for the DETCOG meeting in Livingston.

City Manager Maclin stated that on November 15th at 5:30 p.m. there would be a Public Hearing for the annexation of The Settlement and a follow up meeting on Saturday, November 17th at 9:30 a. m.

City Manager Maclin stated that on Monday, November 19th from 7 p.m. until 9 p. m. there would be a meeting of the Undoing Racism Committee in Room 202.

14. There being no further business for consideration, meeting adjourned at 6:42 p.m.


Louis Bronaugh
Mayor

ATTEST:


Atha Stokes Martin - City Secretary