

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF**  
**LUFKIN, TEXAS, HELD ON THE**  
**18th DAY OF DECEMBER, 2001 AT 5:00 P. M.**

On the 18th day of December 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 A. Bronaugh  | Mayor                      |
| Dennis Robertson   | Mayor pro tem              |
| 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  |
| James Hager        | Asst. City Manager/Finance |
| Atha Stokes Martin | City Secretary             |
| Bob Flournoy       | City Attorney              |
| Keith Wright       | City Engineer              |
| Stephen Abraham    | Director of Planning       |

Being present, and

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| Jack Gorden, Jr. | Councilmember, Ward No. 5 |
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Being absent when the following business was transacted.

1. Reverend Ray Guinn, Pastor, Glad Tidings Assembly of God Church opened meeting with prayer.

**2. APPROVAL OF MINUTES**

Minutes of the regular meeting of December 4, 2001 and the Called Meeting of December 11, 2001 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

**3. ORDINANCE – APPROVED – SECOND READING – COMPREHENSIVE PLAN**

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance adopting the Comprehensive Plan.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Ordinance adopting the Comprehensive Plan be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

**4. ORDINANCE – APPROVED – SECOND READING – ANNEXATION – FM HIGHWAY 324 – SADDLE CREEK DRIVE**

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

City Manager Maclin stated that this annexation would be included in Ward 5.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance for annexation of approximately 147.3 acres of land located on the west side of FM 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 be approved

on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**5. ORDINANCE – APPROVED – SECOND READING – ANNEXATION – U S 59 – DANIEL McCALL DRIVE – CARRIAGE DRIVE – THE SETTLEMENT**

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

City Manager Maclin stated that this annexation would be included in Ward 4.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Don Boyd that Ordinance for the 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 be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. ORDINANCE – APPROVED – SECOND READING – ZONING CLASSIFICATION – FM HIGHWAY 324 – SADDLE CREEK DRIVE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to consider appropriate zoning classification for approximately 147.3 acres of land being considered for annexation and 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 then west approximately 495 feet to a creek then north to the existing city limit line established by Ordinance No. 1793.

City Manager Maclin stated that this item reflects the requested zoning by some of the property owners and otherwise ties in with our Comprehensive Plan.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that First Reading of an Ordinance to consider appropriate zoning classification for approximately 147.3 acres of land being considered for annexation and 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 Saddled Creek Drive then west approximately 495 feet to a creek then north to the existing city limit line established by Ordinance No. 1793 be approved on Second Reading as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE – APPROVED – SECOND READING – ZONING CLASSIFICATION – U S 59 – DANIEL McCALL DRIVE – CARRIAGE DRIVE – THE SETTLEMENT**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to consider appropriate zoning classification for approximately 528.4 acres of land being considered for annexation and 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.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that Ordinance to consider appropriate zoning classification for approximately 528.4 acres of land being considered for annexation and 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 be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**9. ORDINANCE – APPROVED – FIRST READING – ALLEY CLOSING – BYNUM AND FALVEY – SOUTH OF KILN STREET**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to close an alley between Bynum and Falvey south of Kiln Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation regarding this request coming from the property owners on this alley between Bynum and Falvey. Mr. Maclin stated that the property does not have any utilization for continued ownership by the City in terms of right-of-way for utility lines or other needs. Mr. Maclin stated that an appraisal was done and in accordance with State law the adjacent property owners are eligible to purchase the property from the City if the alley is closed by Ordinance today. Mr. Maclin stated that those property owners are listed in the map in the packet. Mr. Maclin stated that basically the people who own the property contiguous to the alley are the ones eligible by law to purchase at appraised value.

Councilmember Robertson asked if the City had an inventory or other alleys that are in a similar condition that would be appropriate for this same kind of action. Mr. Maclin stated that typically what will instigate this is the desire by the adjacent property owners to own the property. Mr. Maclin stated that in many cases we have an alley that we probably could liquidate, but we do not have adjacent property owners interested in purchasing the property. Mr. Maclin stated that in 90% of the cases it is only valuable to the person who owns the contiguous lot because it is a very narrow strip of property. Mr. Maclin stated that typically what prompts us to get to this point is a request by a property owner who owns contiguous property. Staff investigates it for any potential current or future utilization by the city, and if staff determines that it is expendable, then it is brought to Council in this format. Mr. Maclin stated that staff can go out for bids if there are multiple people who desire the property but typically it is only those that own contiguous property that it has any real value to.

Councilmember Boyd stated that two of the property owners did not sign the agreement. Mr. Wright stated that the property owner adjacent to the two that did not respond does want to purchase their portion. Mr. Maclin stated that another notice will be sent to the adjacent property owners and if they do not want to buy the property then it will be offered to the other property owners.

In response to question by Councilmember Torres, Mr. Wright stated that the Hollingsworth Trust desired to tie their property together and that is what prompted this request.

In response to question by Councilmember Bowman, Mr. Maclin stated that the City has alleys that are used, some alleys that hold utility easements, but probably have some alleys owned by the City of Lufkin that are being used by the property owners. Mr. Bowman asked if after a period of time would a property owner who has been using the alley have "squatters rights". Mr. Flournoy stated that you cannot get a limitation title against the City. Mr. Flournoy stated that in some cases the property owners are maintaining an alley for the City.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson that Ordinance closing an alley between Bynum and Falvey south of Kiln Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**10. PURCHASE OF PROPERTY – APPROVED – OLD UNION ROAD – FUTURE SITE FOR FIRE STATION RELOCATION**

Mayor Bronaugh stated that the next item for consideration was the purchase of property on Old Union Road for future site for Fire Station relocation.

City Manager Maclin stated that included in the Council packet is a letter from Chief Prewitt along with a map and an appraisal of the property. Mr. Maclin stated that the property is being requested to be sold at a price of \$66,550. Mr. Maclin stated that this would be a future site for the relocation of Fire Station 4, which is on the South Loop. Mr. Maclin stated that referring back to the Retreat in May, Chief Prewitt showed Council how the relocation to Old Union Road would improve our response time and would be a more geographically appropriate location to better meet the needs of our citizens. Mr. Maclin stated that the property is available now, but staff is not proposing that we start on this fire station any time soon but think if we further delay the acquisition of this tract the price would continue to go up. Mr. Maclin stated that we would be using our Capital Improvements Program funding to pay for the property. Mr. Maclin stated that staff has asked the City Attorney to check the availability of a clear title and he has confirmed that. Mr. Flournoy stated that the title company has given him a preliminary indication that everything is o. k.

In response to question by Councilmember Boyd, Mr. Maclin stated that it is staff's intention to use a little of the Detention Pond property.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres to authorize the City Attorney to complete the transaction for purchase of property on Old Union Road for future site of Fire Station #4 relocation be approved as presented. A unanimous affirmative vote was recorded.

#### **11. ORDINANCE – APPROVED – FIRST READING – COVERS FOR GARBAGE TRUCKS**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance requiring covers for garbage trucks.

City Manager Maclin stated that included in the Council packet is a letter from AB/C requesting the Council's consideration and support for this Ordinance. Mr. Maclin stated that this is something that has been discussed in their meetings as a way of helping to minimize or reduce the litter particularly in the FM 58 area which leads to the Angelina County Landfill. Mr. Maclin stated that staff is seeking Council's approval of this Ordinance which would require the netting or covers to be placed over the rear loaded trucks to help reduce some of the litter problems on FM 58.

In response to question by Councilmember Robertson, Mr. Flournoy stated that the way the trucks are compacted from the rear, a lot of the garbage just doesn't get pushed in and it hangs on the outside of the truck. Mr. Maclin stated that no garbage company could operate inside the City limits without Council permission to collect garbage from residences or businesses. Mr. Maclin stated that the real problem is the numerous private companies that come from Angelina County to this regional landfill. Mr. Maclin stated that some of these are rural, private operations where the City does not have any control and this is the only way the City can assure some type of compliance.

In response to statement by Councilmember Robertson regarding the Ordinance being implemented on January 1<sup>st</sup>, Mr. Maclin stated that since the first Council meeting in January is not until the 15<sup>th</sup>, the Ordinance would have to be changed. Mr. Flournoy stated that this Ordinance carries a penalty and must be advertised 10 days before it becomes effective.

In response to question by Councilmember Boyd, Mr. Flournoy stated that the maximum fine is \$200 for each offense.

In response to question by Councilmember Bowman, Chris Fitzgerald, Director of the Angelina County Landfill, stated that the cost of the mesh covers would vary depending on the vehicle. Mr. Fitzgerald stated that the covers could be purchased at Walmart for \$20 - \$30.

In response to question by Mayor Bronaugh, Mr. Fitzgerald stated that he is only responsible for two miles in either direction of the Landfill. Kenneth Williams, Director of Public Works, stated that there is a tarp law and the Highway Patrol can ticket violators.

In response to question by Mr. Flournoy, Mr. Maclin stated that perhaps the wording "including compacted trailers or any vehicles hauling garbage within the City limits" could be added to the Ordinance. Officer David Walker stated that it was not necessary to add the wording "any vehicles" because that is already covered by the Trap law. Officer Walker stated that the violation has to be witnessed by the officer. Mr. Flournoy asked if the term "rear loaded" was adequate to cover our intentions. Officer Walker said "yes".

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that Ordinance requiring covers for garbage trucks be approved as presented. A unanimous affirmative vote was recorded.

## **12. EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 5:26 p.m. to enter into Executive Session. Regular Session reconvened at 6:02 p.m. and Mayor Bronaugh stated that real estate matters and legal matters had been discussed.

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

City Manager Maclin stated that the DETCOG meeting would be held in Jasper on Thursday.

City Manager Maclin stated that Tuesday, December 25<sup>th</sup>, Christmas Day would be observed as a City holiday.

City Manager Maclin stated that the first meeting in January is New Year's Day and the Council meeting would be rescheduled for January 15<sup>th</sup>.

14. There being no further business for consideration, meeting adjourned at 6:06 p.m.

  
Louis Bronaugh  
Mayor

ATTEST:

  
Atha Stokes Martin - City Secretary