

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY  
OF LUFKIN, TEXAS HELD ON THE 2<sup>ND</sup> DAY OF DECEMBER, 2008**

On the 2<sup>nd</sup> day of December, 2008, 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:

Jack Gorden, Jr.  
Rose Faine Boyd  
R. L. Kuykendall  
Lynn Torres  
Don Langston  
Rufus Duncan  
Phil Medford  
Paul L. Parker  
Keith Wright  
Renee Thompson  
Bob Flournoy  
Larry Brazil  
Scott Marcotte  
Doug Wood  
Dorothy Wilson  
Steve Floyd  
Dale Allred  
Jim Wehmeier  
Bill Cameron

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  
Assistant City Manager  
City Secretary  
City Attorney  
Police Chief  
Asst. Police Chief  
Finance Director  
Planning Director  
Public Works Director  
Inspection Services Director  
Economic Development Director  
City Webmaster

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Horace Fletcher, Hillcrest Baptist Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of November 18, 2008, were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

**NEW BUSINESS:**

4. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A "SPECIAL USE PERMIT" FOR ALCOHOL SALES AND CONSUMPTION WITHIN A "COMMERCIAL" ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS DESCRIBED AS BUILDING 3, SUITE 103-A, BLOCK 1, LOT 3, OF THE GARDEN DISTRICT SHOPPING VILLAGE PHASE II SUBDIVISION AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a "Special Use Permit" for alcohol sales and consumption within a "Commercial" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas described as Building 3, Suite 103-A, Block 1, Lot 3, of the Garden District Shopping Village Phase II Subdivision and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that Gloria Stringer was requesting the "Special Use" Permit on behalf of owners Hong Llang Lin, Li Guan Lin, and Cai Hua Wang. City Manager Parker added that the request was for a private club, associated with a restaurant. City Manager Parker stated that the property was located in a commercial shopping center and was surrounded by commercial usage. City Manager Parker added that the Planning and Zoning Commission and the Planning Staff recommended that the "Special Use" Permit be allowed for alcohol sales and consumption in conjunction with an eating establishment.

Mayor Gorden opened the Public Hearing at 5:03 p.m. and asked anyone who wished to speak on the item to please step forward. There appearing to be no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:04 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a "Special Use Permit" for alcohol sales and consumption within a "Commercial" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas described as Building 3, Suite 103-A, Block 1, Lot 3, of the Garden District Shopping Village Phase II Subdivision and authorizing the City Planner to make such changes on the Official Map. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

**5. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN OF THE CITY OF LUFKIN, TEXAS – APPROVED - BY CHANGING THE ZONING AND FUTURE LAND USE PLAN DESIGNATIONS ON LAND DESCRIBED AS BLOCK 1, LOTS 9 AND 10, OF THE SHEARER ADDITION LOCATED AT 207 NORTH CHESTNUT TO A "LOCAL BUSINESS" ZONING DISTRICT AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN TO THE CLASSIFICATION OF "COMMERCIAL"**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance and the Future Land use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas by changing the zoning and Future Land Use Plan designations on land described as Block 1, Lots 9 and 10, of the Shearer Addition located at 207 North Chestnut to a "Local Business" Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of "Commercial".

City Manager Paul Parker stated that the applicants were requesting a zone change to "Local Business" on an area that was in transition. City Manager Parker added that the area was a residential area that was transitioning into "Commercial", and also had some deterioration of the subdivision, due to age. City Manager Parker stated that the area was projected as "Low Density Residential" in the Future Land Use Plan. City Manager Parker explained that the Planning and Zoning Commission and Planning Staff unanimously recommended that the City Council approve the request for a zone change from a zoning designation of "Duplex" to "Local Business", and change the Future Land Use Plan from "Low Density Residential" to "Commercial". City Manager Parker added that the intended use was to develop a hair salon on part of the property at the location.

Mayor Gorden opened the Public Hearing at 5:05 p.m. and asked anyone who wished to speak on the item to please step forward. There appearing to be no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:06 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rose Faine Boyd moved to approve the First Reading of the Ordinance amending the Zoning Ordinance and the Future Land use Plan of the 2001 Comprehensive Plan of the City of Lufkin, Texas by changing the zoning and Future Land Use Plan

designations on land described as Block 1, Lots 9 and 10, of the Shearer Addition located at 207 North Chestnut to a "Local Business" Zoning District and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of "Commercial". Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

6. **FIRST READING OF AN ORDINANCE ESTABLISHING MAXIMUM SPEEDS OF MOTOR VEHICLES – APPROVED - IN CERTAIN AREAS ON WHITEHOUSE DRIVE AND LOTUS LANE, AS DESIGNATED**

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance establishing maximum speeds of motor vehicles in certain areas on Whitehouse Drive and Lotus Lane, as designated.

City Manager Paul Parker stated that the City Council was aware of the completion of recent improvements to Lotus Lane and the new extension of Whitehouse Drive. City Manager Parker added that the speed limit on City streets automatically became thirty (30) miles per hour, if not modified or changed by the City Council. City Manager Parker stated that the Traffic Division of the Street Department did traffic counts on both areas, and noted that the average speed was in excess of fifty (50) miles per hour on Lotus Lane, and above forty-five (45) miles per hour on some sections and above fifty (50) miles per hour on other portions of Whitehouse Drive. City Manager Parker stated that after considering the average speed of vehicles on both Lotus Lane and Whitehouse Drive, Staff recommended that the City Council establish a speed limit of forty-five (45) miles per hour, in both directions, on the improved portion of Lotus Lane and the new portion of Whitehouse Drive. City Manager Parker added that he would answer any questions the City Council had concerning the recommendation.

Mayor Jack Gorden asked if the speed limit was consistent with the rest of the City. City Manager Parker stated that it was.

Councilmember Rose Faine Boyd asked if the speed limit would be the same on the older portions of Lotus Lane. City Manager Parker stated that Lotus Lane's speed limit was forty-five (45) miles per hour from Loop 287 to Hill Street, and from Hill Street to Grove Avenue the speed limit was forty (40) miles per hour.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the First Reading of the Ordinance establishing maximum speeds of motor vehicles in certain areas on Whitehouse Drive and Lotus Lane, as designated. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

7. **APPOINTMENTS – APPROVED - TO THE KURTH MEMORIAL LIBRARY BOARD OF TRUSTEES**

Mayor Jack Gorden stated that the next item for consideration was the appointments to the Kurth Memorial Library Board of Trustees.

City Manager Paul Parker stated the City Council had recently participated in numerous meetings and discussions concerning the recommendations and appointments to the Kurth Memorial Library Board of Trustees. City Manager Parker added that the City, by Ordinance, required that the members of the Planning and Zoning Commission, Parks and Recreation Board, Tree Board, Taxi-Cab Committee, Zoning Board of Adjustments and Appeals, Civil Service Commission, and the 4B Corporation Board be residents of the City of Lufkin. City Manager Parker stated that it had been the policy of the City of Lufkin that all other boards and committees, including the Kurth Memorial Library Board of Trustees, be composed of members that reside within the City limits, also. City Manager Parker explained that the policy had been reinforced approximately three (3) years earlier, when the City Council moved the date for board appointments to July of each year, so that all board appointments would be done at the same time.

City Manager Parker stated that on July 10, 2008, Ella Kegler, President of the Kurth Memorial Library Board of Trustees, submitted a letter with the Board's nomination of Trustees to begin serving on January 1, 2009, comprised of Francine Tieperman, Ella Kegler, Walter Borgfeld and Mary Goodwin. City Manager Parker stated that both Mr. Borgfeld and Ms. Goodwin resided outside of the City of Lufkin and that the City Council was reluctant to confirm the nominations. City Manager Parker added that the Council had also been seeking to establish a better working relationship between the City Council and the Kurth Memorial Library Board of Trustees. City Manager Parker stated that the nominations were denied by the City Council, until working relations improved and the matter of residency was decided.

City Manager Parker stated that the Kurth Memorial Library Board was requesting that the Council waive the requirement that all members of the Kurth Memorial Library Board reside within the City of Lufkin. City Manager Parker explained that the Board felt that since the Library served the entire County, it would be prudent to have members that resided within the County, but not within the City Limits. City Manager Parker added that furthermore, one (1) member of the existing board, Mr. Don Allen, presently resided outside of the City Limits. City Manager Parker stated that the Kurth Memorial Library Board was therefore recommending that the City Council waive the residency requirement.

City Manager Parker stated that in previous conversations, the Council requested that the Kurth Memorial Library Board consider working with the Council to improve overall Council/Board relations. City Manager Parker added that it was his understanding that in two (2) small meetings that were held between representatives of the Board and the Council, efforts had been made to improve the relationships. City Manager Parker stated that from a Staff standpoint, there had also been improvements in the relationships with the Library Staff and the Board during the last six (6) months, due to the Council's involvement. City Manager Parker stated that the City Council also had some concerns about the Policy Manual, and had requested that the Board and Council review the existing Policy Manual to eliminate potential areas of conflict. City Manager Parker stated that Council had a letter, from Board President Ella Kegler, that stated that she requested the City Council to again consider the previous slate of nominees to the Kurth Memorial Library Board. City Manager Parker explained that Ms. Kegler had supplied the letter and was speaking for herself because the Library Board did not have their normal meeting in November. City Manager Parker added that Ms. Kegler reminded the Council that the initial Policy Manual recommended that the manual be reviewed and revised, at least every five (5) years. City Manager Parker stated that Ms. Kegler recommended that the five (5) year review take place.

City Manager Parker stated that based on the improved relationships and requests from Ms. Kegler, Staff recommended that the City Council waive the residency requirement for appointment to the Kurth Memorial Library Board for the existing member, Mr. Don Allen, and also for proposed nominees Mr. Borgfeld and Ms. Goodwin. City Manager Parker added that furthermore, it would be the recommendation that the waiver be for these members only, and that the future appointments should only be individuals who reside within the City of Lufkin. City Manager Parker explained that he thought the argument that the Library Board used concerning the Library serving the entire County was a good argument, but could also be used for the Park's system, and many other boards that share responsibilities outside of the residents of the City of Lufkin. City Manager Parker added that the residency waiver should be a "one time" variation to the policy, if the Council agreed with the Staff's recommendation. City Manager Parker stated that Staff also recommended the residency requirement be one (1) of the items considered during the review of the Kurth Memorial Library Policy Manual by the City Council and the Library Board.

City Manager Parker stated that in summary, City Staff recommended that the City Council approve the slate of nominees as submitted, with the understanding that the residency requirement would be waived for this year only, until the Policy Manual could be jointly reviewed and modified. City Manager Parker added that the Board appointments were for three (3) years terms, and that the residency waiver would only include those appointed this year for the three (3) year term.

Mayor Gorden stated that all of the City Council was familiar with the issue and that each Council Member, at one (1) time or another had personally looked into the issues and dealt

with them. Mayor Gorden added that recently there had been a committee made up of Council Members Medford, Boyd and Torres that had met with the Board to work on the relationship between the two (2) entities.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston stated that he was glad that another meeting had taken place and realized that it was informal; but that he wanted to make sure that he understood the Staff's recommendation concerning the Library Board nominations, and how the motion should be stated. Councilmember Langston explained that his understanding was that the current three (3) Library Board Members, with two (2) to be approved, and one (1) currently serving, that were outside the City of Lufkin, would be allowed to serve a full term (three (3) years). Councilmember Langston added that the second part of the motion was that within the next year the City Council would sit down and review the Policy Manual, along with a committee or the Kurth Memorial Library Board (whatever the Policy Manual directs).

City Manager Parker stated that Councilmember Langston's understanding of the recommendation was correct. City Manager Parker added that the motion should also include that the Council approved the full slate of nominees, which included Francine Tieperman and Ella Kegler, which did reside in the City of Lufkin. City Manager Parker explained that the motion would be to approve the four (4) member slate of nominees to the Kurth Memorial Library Board as proposed, with the understanding that the waiver of residency would be for these members only, and that future appointments would be individuals who reside within the City of Lufkin, unless the Lufkin City Council decided to modify the Residency Policy in the future.

Councilmember Phil Medford stated that he concurred with City Manager Parker's recommendation, and that this would be the appropriate thing to do and should be done for one (1) year only, and would be subject to the review of the Library Operating Agreement and that the City Council might choose to review their Residency Policy before time for Board appointments in the coming year.

Mayor Gorden asked if the actual review of the Agreement/Policy would be a separate issue, and would be stated that way in the motion. Mayor Gorden suggested that the review be placed on a future agenda for further Council discussion. Councilmember Langston stated that the Mayor should consider appointment of a committee for this review. Mayor Gorden agreed and stated that he thought it would be helpful to have members of the City Council, members of the Library Board, and then citizens at large to be a part of that committee. Mayor Gorden added that those citizens should be people not directly connected either way.

Councilmember Langston stated that he understood the recommendation from City Staff, but that his motion would not include that the City Council should amend the Residency Policy. Councilmember Langston added that the subject of residency had been labored over by Council for the last few months and that he did not see the necessity of changing the policy. Mayor Gorden agreed that the City could keep its Residency Policy in place. Councilmember Medford stated that this was what he was trying to address, and that the Residency Policy was the City of Lufkin's policy and not the Kurth Memorial Library Board's policy and if the City Council wanted to review its own policy it would be fine, but was not part of the current action. Councilmember Medford stated that residency was a separate issue and that the Council might elect to visit the Residency Policy in the future. City Manager Parker agreed and stated that he was trying to say that Staff recommended that the Council make exception to the City's Residency Policy for this one (1) time appointment of members to the Kurth Memorial Library Board of Trustees.

Councilmember Rufus Duncan stated that he was unsure exactly where the Council was going concerning the City's Residency Policy but that he still wanted to have the flexibility to vary in the future on the Library Board and wanted the Council to keep their options open.

Councilmember Don Langston moved to approve the slate of nominees presented by the Kurth Memorial Library Board, to include for this one (1) term only, the two (2) members who resided outside of the City of Lufkin. Councilmember Langston stated that those two

(2) members were Walter Borgfeld and Mary Goodwin. Councilmember Langston stated that he also moved to approve Mr. Don Allen, who currently served on the Kurth Memorial Library Board and also resided outside the City of Lufkin, and had been an oversight. Councilmember Langston stated that he also moved that within the current year the City Council and Library Board would sit down and review the Policy Manual and could then discuss the consideration of residency. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

8. Mayor Jack Gorden stated that there was no need for an Executive Session that evening.

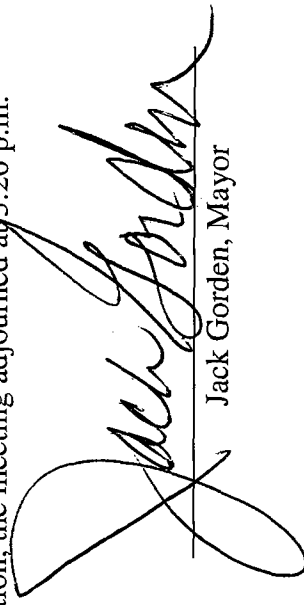
9. CALENDAR NOTATIONS FROM MAYOR, COUNCIL MEMBERS, AND CITY MANAGER

Mayor Jack Gorden stated that the next item for consideration was the calendar notations from the Mayor, Council Members, and City Manager. Mayor Gorden stated that the Council had the calendar of events and that it was a busy time of year. Mayor Gorden added that he wanted to remind everyone about the Christmas Parade that was taking place at 6:00 p.m. and that Main Street Director Barbara Thompson had put together a great show for the City of Lufkin and surrounding community. Mayor Gorden stated that City Manager Paul Parker and Staff had the Downtown Area of Lufkin looking really nice for the Christmas Parade and Christmas Holiday Season and encouraged everyone to drive through Downtown Lufkin and enjoy the Season. City Manager Parker highlighted that one (1) week from Tuesday, on December 9, 2008, the City of Lufkin would hold their Annual City of Lufkin Employee Awards Banquet at the Lufkin Civic Center and encouraged the Mayor and Council to try to attend. City Manager Parker added that it was special to the City Employees to have the Mayor and Council attend the event. City Manager Parker stated that the remainder of events was highlighted on the Council's Calendars.

Mayor Gorden thanked everyone for their attention and attendance and wished Councilmember R. L. Kuykendall a belated "Happy Birthday".

12. There being no further business for consideration, the meeting adjourned at 5:20 p.m.

  
Renee Thompson – City Secretary

  
Jack Gorden, Mayor