

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 19th DAY OF FEBRUARY, 2008.**

On the 19th day of February, 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.	Mayor
Rose Faine Boyd	Mayor Pro Tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Rufus Duncan	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Bob Flournoy	City Attorney
Renee Thompson	City Secretary
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Lee Fran Skelton	Fire Marshal
Doug Wood	Finance Director
David Koonce	Human Resource Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Dorothy Wilson	Planning Director
Jim Wehmeier	Economic Development Director
Bill Cameron	City Webmaster
Richard Rudel	Alexander, Lankford, and Hiers
Richard Joseph	Castlewood Neighborhood Association
Joe Jooma	
Mike Parker	

being present, and

Keith Wright

Assistant City Manager

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Reverend Michael Dant, First Assembly of God.
2. Mayor Jack Gorden welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of February 5, 2008 were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **PUBLIC HEARING AND SECOND READING OF A REQUEST FOR A ZONE CHANGE – APPROVED - FROM THE CLASSIFICATIONS OF “RESIDENTIAL LARGE SINGLE-FAMILY DWELLING”, “NEIGHBORHOOD RETAIL”, AND “COMMERCIAL” TO A SINGLE CLASSIFICATION OF “COMMERCIAL” ON APPROXIMATELY 23.6 ACRES OF LAND DESCRIBED AS TRACTS 43, 44, 45, 52, 53, 55, 56, 57, AND 58 OF THE MCKINNEY AND WILLIAMS SURVEY ABSTRACT 463 GENERALLY LOCATED BETWEEN BROWN ROAD AND RICKS ROAD NEAR TULANE DRIVE AND AN AMENDMENT TO THE FUTURE LAND USE**

MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTIES FROM "RETAIL", "OFFICE", AND "LOW DENSITY RESIDENTIAL" TO A SINGLE DESIGNATION OF "COMMERCIAL"

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of a request for a zone change from the classifications of "Residential Large Single-Family Dwelling", "Neighborhood Retail", and "Commercial" to a single classification of "Commercial" on approximately 23.6 acres of land described as Tracts 43, 44, 45, 52, 53, 55, 56, 57, and 58 of the McKinney and Williams Survey Abstract 463 generally located between Brown Road and Ricks Road near Tulane Drive and an amendment to the Future Land Use Map of the Comprehensive Plan by changing the designation of the properties from "Retail", "Office", and "Low Density Residential" to a single designation of "Commercial".

City Manager Paul Parker stated that this was the Second Reading of the Zone Change Request. City Manager Parker added that the Planning and Zoning Commission and Planning Staff recommended that the Mayor and Council approve the Zone Change to a classification of "Commercial" and the Land Use Designation to "Commercial".

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

Mayor Jack Gorden then asked for comments or questions from the Council.

Councilmember Lynn Torres moved to approve the Second Reading of the request for a zone change from the classifications of "Residential Large Single-Family Dwelling", "Neighborhood Retail", and "Commercial" to a single classification of "Commercial" on approximately 23.6 acres of land described as Tracts 43, 44, 45, 52, 53, 55, 56, 57, and 58 of the McKinney and Williams Survey Abstract 463 generally located between Brown Road and Ricks Road near Tulane Drive and an amendment to the Future Land Use Map of the Comprehensive Plan by changing the designation of the properties from "Retail", "Office", and "Low Density Residential" to a single designation of "Commercial". Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

5. **SECOND READING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, - APPROVED - AMENDING THE CODE OF ORDINANCES BY ADDING AN ORDINANCE REGULATING "ALARM SYSTEMS" TO PROVIDE REGULATIONS FOR ALARM SYSTEMS; BY ESTABLISHING PERMIT FEES AND CALL OUT CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was the Second Reading an Ordinance of the City Council of the City of Lufkin, Texas, amending the Code of Ordinances by adding an Ordinance regulating "Alarm Systems" to provide regulations for Alarm Systems; by establishing permit fees and call out charges; providing a repealing clause; providing for a penalty or fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing an effective date.

City Manager Paul Parker stated that this was also a Second Reading and the Council had discussed the Ordinance at several previous Council Meetings. City Manager Parker added that Staff stood ready to answer any questions that the Council had and recommended that Council approve the Ordinance.

Councilmember Rufus Duncan moved to approve the Second Reading of the Ordinance of the City Council of the City of Lufkin, Texas, amending the Code of Ordinances by adding an Ordinance regulating "Alarm Systems" to provide regulations for Alarm Systems; by establishing permit fees and call out charges; providing a repealing clause; providing for a penalty or fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and

providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

6. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, ANGELINA COUNTY, TEXAS, - APPROVED - ESTABLISHING ALARM PERMIT FEES AND OTHER FEES ASSOCIATED WITH ALARM SYSTEMS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution of the City Council of the City of Lufkin, Angelina County, Texas, establishing alarm permit fees and other fees associated with alarm systems; providing a repealing clause; providing a severability clause; and an effective date.

City Manager Paul Parker stated that the Resolution before the Council went hand in hand with the Ordinance that the Council had just approved regarding regulations of "Alarm Systems". City Manager Parker added that the Resolution established the fees associated with false alarms. City Manager Parker stated that the recommended fees for excessive false alarms during a calendar year were as follows: five (5) false alarms would result in no charge; the sixth (6th) and seventh (7th) false alarm would have a seventy-five dollar (\$75) fee each; the eighth (8th) and ninth (9th) false alarm would have a one hundred fifty dollar (\$150) fee each; and ten (10) or more false alarms would result in a three hundred dollar (\$300) fee per false alarm. City Manager Parker added that Staff recommended that Council approve the Resolution establishing the fees.

Councilmember Don Langston moved to approve the Resolution of the City Council of the City of Lufkin, Angelina County, Texas, establishing alarm permit fees and other fees associated with alarm systems; providing a repealing clause; providing a severability clause; and an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

7. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE COMPREHENSIVE PLAN 2001 OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY ESTABLISHING ZONING AND FUTURE LAND USE PLAN DESIGNATIONS FOR CERTAIN TRACTS OR PARCELS OF LAND ANNEXED BY THE CITY OF LUFKIN, 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 and the Comprehensive Plan 2001 of the City of Lufkin, Texas, by establishing Zoning and Future Land Use Plan designations for certain tracts or parcels of land annexed by the City of Lufkin, and authorizing the City Planner to make such changes on the official map.

City Manager Paul Parker stated that the City had recently annexed approximately fifty-five (55) acres off Hwy. 69 South. City Manager Parker added that Planning Staff and Planning and Zoning Commission recommended that Council approve bringing in the newly annexed property as a "holding" zone or "Agricultural District" Zone until the property owners could apply for the appropriate zoning classifications.

Mayor Gorden opened the Public Hearing at 5:09 p.m. and asked anyone wishing to speak on this item to please step forward. There appearing to be no one wishing to speak, Mayor Gorden closed the public hearing at 5:10 p.m.

Mayor Jack Gorden then asked for comments or questions from the Council.

Councilmember Phil Medford moved to approve the First Reading of the Ordinance amending the Zoning Ordinance and the Comprehensive Plan 2001 of the City of Lufkin, Texas, by establishing Zoning and Future Land Use Plan designations for certain tracts or parcels of land annexed by the City of Lufkin, 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.

8. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF LUFKIN, TEXAS, - APPROVED - AND EXTENDING THE BOUNDARIES OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID CITY**

Mayor Jack Gorden stated that the next item for consideration was the Public Hearing and First Reading of an Ordinance annexing the hereinafter described territory to the City of Lufkin, Texas, and extending the boundaries of said City so as to include said hereinafter described property within the city limits, and granting to said territory and to all future inhabitants of said property all of the rights and privileges of other citizens and binding said future inhabitants by all of the Acts and Ordinances of the said City.

City Manager Paul Parker stated that the request was from the property owner, Allen Loggins, Jr. through Michael G. Parker

Mayor Gorden opened the Public Hearing at 5:11 p.m. and asked anyone wishing to speak on this item to please step forward. There appearing to be no one wishing to speak, Mayor Gorden closed the public hearing at 5:12 p.m.

Mayor Jack Gorden then asked for comments or questions from the Council.

Councilmember Don Langston moved to approve the First Reading of the Ordinance annexing the hereinafter described territory to the City of Lufkin, Texas, and extending the boundaries of said City so as to include said hereinafter described property within the city limits, and granting to said territory and to all future inhabitants of said property all of the rights and privileges of other citizens and binding said future inhabitants by all of the Acts and Ordinances of the said City. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

9. **PRESENTATION BY RICHARD RUDEL, ALEXANDER, LANKFORD AND HIERS, INC., - APPROVED - ON THE CITY OF LUFKIN 2007 AUDIT/FINANCIAL REPORT**

Mayor Jack Gorden stated that the next item for consideration was the presentation by Richard Rudel, Alexander, Lankford and Hiers, Inc., on the City of Lufkin 2007 Audit/Financial Report.

City Manager Paul Parker stated

Councilmember R. L. Kuykendall moved to approve the presentation by Richard Rudel, Alexander, Lankford and Hiers, Inc., on the City of Lufkin 2007 Audit/Financial Report. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

10. **APPOINTMENT OF A HEARING OFFICER FOR THE SAFE-T-LIGHT PROGRAM - APPROVED - FOR THE CITY OF LUFKIN POLICE DEPARTMENT**

Mayor Jack Gorden stated that the next item for consideration was the appointment of a Hearing Officer for the Safe-T-Light Program for the City of Lufkin Police Department.

City Manager Paul Parker stated

Councilmember Rose Faine Boyd moved to approve the appointment of a Hearing Officer for the Safe-T-Light Program for the City of Lufkin Police Department. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

11. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2007/2008 OPERATING BUDGET (BUDGET AMENDMENT NO. 18), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE SOLID WASTE/RECYCLING RENEWAL AND REPLACEMENT FUND; AND PROVIDING AN EFFECTIVE DATE AND FOR FURNITURE AND EQUIPMENT FOR THE PUBLIC WORKS SERVICE CENTER

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an Amendment to the 2007/2008 Operating Budget (Budget Amendment No. 18), providing for the supplemental appropriation of funds in the Solid Waste/Recycling Renewal and Replacement Fund; and providing an effective date and for furniture and equipment for the Public Works Service Center.

City Manager Paul Parker stated

Councilmember Rose Faine Boyd moved to approve the Resolution authorizing an Amendment to the 2007/2008 Operating Budget (Budget Amendment No. 18), providing for the supplemental appropriation of funds in the Solid Waste/Recycling Renewal and Replacement Fund; and providing an effective date and for furniture and equipment for the Public Works Service Center. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

12. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2007/2008 OPERATING BUDGET (BUDGET AMENDMENT NO. 19), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER/WASTEWATER FUND; AND PROVIDING AN EFFECTIVE DATE FOR A PRORATED SHARE OF THE MAINTENANCE AND OPERATION EXPENSES FOR SAM RAYBURN LAKE

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an Amendment to the 2007/2008 Operating Budget (Budget Amendment No. 19), providing for the supplemental appropriation of funds in the Water/Wastewater Fund; and providing an effective date for a prorated share of the maintenance and operation expenses for Sam Rayburn Lake.

City Manager Paul Parker stated

Councilmember Phil Medford moved to approve the Resolution authorizing an Amendment to the 2007/2008 Operating Budget (Budget Amendment No. 19), providing for the supplemental appropriation of funds in the Water/Wastewater Fund; and providing an effective date for a prorated share of the maintenance and operation expenses for Sam Rayburn Lake. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

13. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, DECLARING SUPPORT FOR THE LUFKIN PIONEER CROSSING, - APPROVED - A JOINT HOUSING TAX CREDIT AND HOME INVESTMENT PARTNERSHIP PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2008

Mayor Jack Gorden stated that the next item for consideration was a Resolution of the City of Lufkin, Texas, declaring support for the Lufkin Pioneer Crossing, a joint Housing Tax Credit and Home Investment Partnership Program application to the Texas Department of Housing and Community Affairs for the year 2008.

City Manager Paul Parker stated

Councilmember Don Langston moved to deny the Resolution of the City of Lufkin, Texas, declaring support for the Lufkin Pioneer Crossing, a joint Housing Tax Credit and Home Investment Partnership Program application to the Texas Department of Housing and Community Affairs for the year 2008.

Discussion

Councilmember Phil Medford moved to approve the Resolution of the City of Lufkin, Texas, declaring support for the Lufkin Pioneer Crossing, a joint Housing Tax Credit and Home Investment Partnership Program application to the Texas Department of Housing and Community Affairs for the year 2008. Councilmember Lynn Torres seconded the motion. The following vote was recorded:

Aye: Mayor Jack Gorden, Council Members R.L. Kuykendall, Rufus Duncan, Phil Medford, Lynn Torres and Rose Faine Boyd

Nay: Council Members Don Langston

The motion carried with four (6) affirmative votes.

14. CITY MANAGER'S REPORT

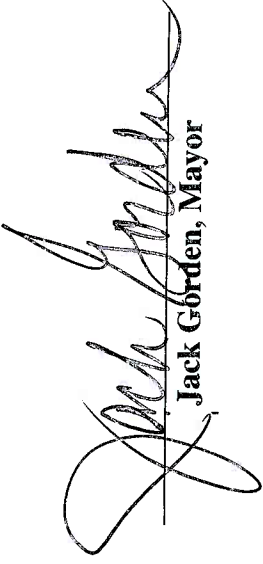
Mayor Jack Gorden stated that the next item for consideration was the City Manager's Report.

City Manager Paul Parker stated

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

16. There being no further business for consideration, the meeting adjourned at p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor