

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 19TH DAY OF MAY, 2009**

On the 19th day of May, 2009, 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.
R. L. Kuykendall
Robert Shankle
Lynn Torres
Don Langston
Rufus Duncan
Phil Medford
Paul L. Parker
Keith Wright
Bruce Green
Renee Thompson
Rodney Ivy
Larry Brazil
Duane Freeman
Dorothy Wilson
Steve Poskey
Steve Floyd
Barbara Thompson
Dale Allred
Chuck Walker
Debbie Fitzgerald

Mayor
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Asst. City Manager
Asst. City Attorney
City Secretary
Human Resource Director
Police Chief
Asst. Fire Chief
Planning Director
Street Department, Superintendent
Public Works Director
Main Street Director
Inspection Services Director
Public Utilities Director
Water & Sewer Director

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor David Craig, Lufkin First Church of the Nazarene.
2. Mayor Jack Gorden welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of May 5, 2009 were approved as corrected on a motion by Councilmember R. L. Kuykendall, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

NEW BUSINESS:

**4. CANVASS OF THE 2009 GENERAL ELECTION FOR THE CITY OF LUFKIN AND
A RESOLUTION – APPROVED - DECLARING THE RESULTS OF THE CITY OF
LUFKIN GENERAL ELECTION OF MAY 9, 2009**

Mayor Jack Gorden stated that the next item for consideration was the Canvass of the 2009 General Election for the City of Lufkin and a Resolution declaring the results of the City of Lufkin General Election of May 9, 2009.

City Manager Paul Parker stated that State Law requires that the votes from the General Election of May 9th, 2009 be canvassed, and asked that City Secretary Renee Thompson read the results of the election for the record.

City Secretary Renee Thompson stated that the City of Lufkin General City Election was called for May 9th, 2009 for the purpose of electing members to the City Council. City Secretary Thompson furthered that there were no propositions on the ballot, no person made a declaration of write-in candidacy, and two (2) candidates on the ballot were unopposed for election to office. City Secretary Thompson continued that under those circumstances, Subchapter C, Chapter 2, Election Code authorized the City Council to declare the candidates elected to office. City Secretary Thompson stated that therefore Jack Gorden, Jr. was elected to serve as Mayor and Don Langston was elected to serve as Councilmember of Ward No. 4. City Secretary Thompson furthered that the City Council resolved and ordered that a General Election be held at Brandon Elementary on May 9th, 2009, for the purpose of electing a Councilmember for Ward No. 2. City Secretary Thompson then outlined the dates of early voting and stated that La Francis Kelly served as the election judge. City Secretary Thompson then read the votes as follows:

COUNCIL MEMBER WARD NO. 2 RACE

	BOYD	SHANKLE
WARD NO. 2	36	28
<u>EARLY VOTING</u>	<u>32</u>	<u>61</u>
TOTAL	68	89

City Secretary Thompson stated that the apparent winner of the Ward No. 2 City Council member’s race was Robert Shankle.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the Canvass of the 2009 General Election for the City of Lufkin and a Resolution declaring the results of the City of Lufkin General Election of May 9, 2009. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

5. OATHS OF OFFICE (HONORABLE ROBERT K. INSELMANN, JUDGE COUNTY COURT AT LAW #1)

Mayor Jack Gorden stated that the next item for consideration was the Oaths of Office. (Honorable Robert K. Inselmann, Judge County Court at Law #1)

Honorable Robert K. Inselmann, Judge County Court at Law #1, administered the Oath of Office to Mayor Jack Gorden, Councilmember Don Langston, and Councilmember Robert Shankle.

6. PUBLIC HEARING AND AUTHORIZATION OF THE POLICE DEPARTMENT TO APPLY – APPROVED - FOR THE U.S. DEPARTMENT OF JUSTICE, “2009 DETCOG JUSTICE ASSISTANCE GRANT”

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and to authorize the Police Department to apply for the U.S. Department of Justice, “2009 DETCOG Justice Assistance Grant”.

City Manager Paul Parker stated the Lufkin Police Department was requesting permission to apply for a thirty thousand dollar (\$30,000) Justice Assistance Grant from DETCOG to assist in the purchase of a replacement colposcope. City Manager Parker furthered that this equipment was vital in the documentation of sexual assault cases and that the current colposcope was no longer functioning. City Manager Parker continued that no match was required for this grant and recommended that City Council hold the required Public Hearing and approve the application of this grant.

Mayor Gorden opened the Public Hearing 5:14 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 5:15 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to authorize the Police Department to apply for the U.S. Department of Justice, "2009 DETCOG Justice Assistance Grant". Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

7. CITY MANAGER'S REPORT

Mayor Jack Gorden stated that the next item for consideration was a report from City Manager Paul Parker.

City Manager Paul Parker stated that the General Fund was doing very well, and that sales tax revenue was steady. City Manager Parker furthered that expenditures were in line in all departments and that overall the General fund was in good shape. City Manager Parker stated that water and sewer revenue was running low at this time and that the decrease in revenue could be attributed to the decline of industrial usage and an abundance of rain. City Manager Parker continued that the Solid Waste fund was right on target and that revenue projections would be met. City Manager Parker stated that the Hotel/Motel Tax Fund was running twelve percent (12%) above normal revenue projections, and that unless Council had specific questions, he would not highlight the remainder of the funds. City Manager Parker reiterated that other than the decline in water and sewer revenue, the City was in excellent financial shape, and reserves were in place to cover any shortfalls. City Manager Parker stated that all projects were going as planned and Staff was present to address any questions that Council may have in regard to projects. City Manager Parker continued that the summer street overlay program was underway, and that many streets had already been completed. City Manager Parker then stated he would answer any questions that Council had. Mayor Jack Gorden thanked City Manager Parker for his report.

8. Mayor Jack Gorden recessed the Regular Session at 5:18 p.m. to enter into Executive Session.

EXECUTIVE SESSION: In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate, demolition of buildings, or appointments to boards and personnel may be discussed.

Mayor Jack Gorden reconvened the Regular Session at 6:08 p.m.

WORK SESSION:

9. PROPOSED HISTORIC PRESERVATION ORDINANCE

Mayor Gorden stated that the next item for consideration was a work session concerning the proposed Historic Preservation Ordinance.

Planning Director Dorothy Wilson stated that this Ordinance had been discussed on several occasions and that no significant changes had been made since the previous discussion. Director Wilson stated that as requested by City Manager Parker, funds had been added to the Planning Department budget to assist with the grant program for facades. Director Wilson furthered that the main focus of the Ordinance was to protect and enhance the City of Lufkin and its historical and cultural heritage. Director Wilson continued that this Ordinance would create a Historic District Overlay, a Historic Preservation Commission and also set up a process for the designation of a Historic District or landmark. Director Wilson stated that the Ordinance contained a process for the issuance of Certificates of Appropriateness, which is the review process by the Commission to decide if the proposed work for structures is appropriate as well as an appeals process for economic hardship cases. Director Wilson continued that a process was included in the Ordinance to address demolition by neglect, to insure that every owner maintained their property. Director Wilson furthered that the Historic Preservation Commission would be comprised of seven (7) residents of the City, with the exception of the member representative of the Angelina Historical Preservation

Society, who did not have to be a resident of the City. Director Wilson continued that duties of Commission were delineated in the Ordinance, along with the rules for operation. Director Wilson furthered that the Commission would be responsible for holding hearings and making recommendations, and that those recommendations would be submitted to the Planning and Zoning Commission, and then to City Council for approval. Director Wilson stated that approved Historic District Overlay requests would change the designation of the property on the City of Lufkin zoning map. Director Wilson continued that requirements for Historic designation were spelled out in the Ordinance, and were taken from the model Ordinance provided by the State. Director Wilson stated that sometimes there was confusion that the Ordinance controlled what buildings could be used for, but that this Ordinance specifically addressed the exterior appearance of the building, not its use. Director Wilson then highlighted the process of obtaining a Certificate of Appropriateness and the economic hardship application procedure. Director Wilson then addressed the demolition by neglect process which mimicked the State standards for this issue. Director Wilson concluded that the standard penalties were also included in the Ordinance and asked for questions from the Council.

Councilmember Don Langston stated that he thought this Ordinance was a good idea; however, he had mixed thoughts about enforcement. Councilmember Langston continued that overall it would be a monumental task to preserve what Lufkin has, and that older buildings with owners who were making an attempt to keep and preserve them should not be penalized. Councilmember Lynn Torres questioned what the ADA requirements would be if one purchased an old building and wished to renovate it. Director Wilson stated that ADA requirements would not be addressed in the Ordinance, but that was an issue to be dealt with through the building inspections department. Councilmember Torres stated that she wrestled with the issue of preserving existing buildings versus rebuilding new buildings to look like the old and finding balance between the two. Director Wilson stated that the Ordinance addressed that issue in several ways, and that the ICC (International Code Council) ordinance adopted by the City addressed the interior renovations and the Historic Preservation Ordinance would only address the exterior façade. Assistant City Manager Keith Wright stated that should Council decide to move forward with this Ordinance, the City should consider providing grant funds to assist building owners with the exterior façade renovations, or to address demolition by neglect issues. Councilmember Langston concurred that the initial intention was to provide an incentive to property owners to preserve or restore old properties. Councilmember Torres reminded Director Wilson that the existing downtown property owners had done a tremendous amount to increase the viability of downtown, and that care needed to be taken when speaking of downtown as a blighted area. Councilmember Langston reiterated that the main issue was to encourage preservation and incentives should be provided. Councilmember Langston furthered that he had an issue with the portion of the Ordinance that stated the original use of a structure should be continued if possible and that encouragement of a use should be the focus, not penalization. Councilmember Rufus Duncan asked what the problem was with the use of neon signs. Director Wilson responded that neon signs did not fit in with the time period when most of the downtown buildings were built. Councilmember Duncan stated that the Ordinance was not for just downtown but for the entire City. Director Wilson furthered that age range of proposed historic buildings was in the 1939 to 1950 range. Mayor Gorden stated that neon was invented in 1929. Councilmember Phil Medford stated that the effort to find grant money to subsidize the renovation of the facades would be important. Councilmember Langston stated that a TIF (Tax Increment Finance) zone should be considered as another alternative. Director Wilson stated that before a TIF could be created, the Ordinance and Commission had to be in place. Councilmember Duncan stated that the reasonableness of the Ordinance had to be considered, and did not agree with specific limitations, such as the exclusion of neon signs. Director Wilson stated that she would look into the neon sign issue. Mayor Gorden then recognized members present from the Angelina County Historical Preservation Society. City Manager Parker stated that Staff would address the issue of neon signs and questioned whether Council wished Staff to move forward with the public hearing portion of the process. Councilmember Langston reiterated that it was very important the public be informed, especially those that will be affected by it. City Manager Parker stated that the Ordinance would be posted on the web and Planning Staff would begin the public input process.

Mayor Gorden thanked Director Wilson for her presentation.

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

Mayor Gorden stated that the next item for consideration was the calendar notations from the Mayor, Council Members, and City Manager. City Manager Parker stated that applications for members for the Lufkin Convention and Tourism Bureau were still needed. City Manager Parker noted that staff budget meetings would begin tomorrow. City Manager Parker stated that Council had their calendars in front of them and would answer any questions or comments from Council in regard to specific events.

11. There being no further business for consideration, the meeting adjourned at 6:48 p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor