

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 7TH DAY OF FEBRUARY, 2012**

On the 7th day of February, 2012, 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
Don Langston	Mayor Pro-Tem
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rufus Duncan	Councilmember, Ward No. 5
Sarah Murray	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Kara Atwood	City Secretary
Rodney Ivy	Human Resource Director
Scott Marcotte	Police Chief
Ted Lovett	Fire Chief
Belinda Southern	Finance Director
Dorothy Wilson	Planning Director
Steve Floyd	Public Works Director
Chuck Walker	City Engineer
Steve Poskey	Street Department Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Mike Akridge	Parks & Recreation Director

being present when the following business was transacted.

1. The meeting was opened with prayer by Pastor Steve Killam of St. Paul's Methodist Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of January 17th, 2012 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Victor Travis. A unanimous affirmative vote was recorded.

TABLED BUSINESS:

4. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE 3368, BY AMENDING ARTICLE III, "DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT", IN THE "RESIDENTIAL LARGE SINGLE FAMILY DWELLING" ZONING DISTRICT, SECTION 3, "AREA REGULATIONS" WITH THE ADDITION OF "8. GARAGE"; AND PROVIDING FOR AN EFFECTIVE DATE -APPROVED.**

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by amending Article III, "Districts and Specific Requirements Pertaining to Each District", in the "Residential Large Single Family Dwelling" Zoning District, Section 3, "Area Regulations" with the addition of "8. Garage"; and providing for an effective date.

City Manager Paul Parker stated that this was one of the recommendations from the Construction Committee and this Ordinance dealt primarily with requirement of the

"Residential Large Single Family Dwelling" Zone. City Manager Parker continued that this Ordinance would alleviate the problem of having inadequate parking or residents parking on the lawn or street. City Manager Parker stated this Ordinance would only affect the "Residential Large Single Family Dwelling" zoning district and the concern of the Committee was that some of the lots in this zone, particularly in the infield area, were being built without garages. City Manager Parker stated since this was a change to the Zoning Ordinance, the Planning and Zoning Commission considered this Ordinance and felt this Ordinance was an intrusion into property rights and therefore denied the Ordinance. City Manager Parker continued that since the Planning and Zoning Commission denied the Ordinance, a super majority vote of the Council, six (6) of seven (7) Councilmembers, is required for passage of the Ordinance.

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.

Councilmember Victor Travis questioned what the zoning "Residential Large Single Family Dwelling" zoning consisted of. City Manager Parker asked Planning Director Dorothy Wilson to explain. Planning Director Wilson stated that this zone required the construction of a one thousand two hundred (1,200) square foot home. Councilmember Travis confirmed that any house constructed over one thousand two hundred (1,200) square feet would have to also have a garage. City Manager Parker stated yes, for those built in the "Residential Large Single Family Dwelling", but if a home that size or larger was built in a different zone, it would not be required to have a garage. Planning Director Wilson stated that the average size lot in this zone was one-quarter (1/4) acre. Councilmember Sarah Murray asked where these houses were located. City Manager Parker answered that they were located in Brentwood and Crown Colony, areas that have larger lots and are predominantly located in South Lufkin; however, they were scattered throughout the City. Councilmember Rufus Duncan stated that a lot of the concern from the committee came from having older established neighborhoods that were built with garages and then people building the smallest rent house they could without a garage, which hurts the existing neighbor's property values. Councilmember Duncan stated this was predominantly to keep neighborhoods consistent. Councilmember Don Langston concurred that a lot of discussion went into this and that he drove around and looked at the neighborhoods, and if he owned a house in one of them, he would like to see new construction conform to existing standards. Councilmember Langston furthered that he felt it would be reasonable to require new construction to conform to the existing neighborhood, but however there are exceptions, and there were some areas that were probably zoned Residential Large, that were infield prior to larger homes being built with garages. Councilmember Langston continued that some of these areas might have homes without garages, and therefore there would be some residences that were non-conforming. Councilmember Murray questioned whether residents who lived in homes that did not have garages in this zone would be required to build them. Councilmember Langston replied, no, existing homes would not, only new construction. Councilmember Travis asked that if someone built a home in this zone, and existing houses did not have a garage, would the new home be required to have a garage. City Manager Parker stated, yes, due to it being located in that zoning district, it would be required to have a garage, even if there were other homes located in that zone that did not have garages. Councilmember Duncan stated that a resident could apply for a variance. Councilmember Travis asked how this Ordinance would be enforced. City Manager Parker stated that the Building Permit and Inspection process would enforce the Ordinance.

Mayor Gorden asked for additional questions or comments from the Council. Councilmember Travis stated that in order to protect the people who have homes with garages in these zones, that the Ordinance was a good idea in order to keep property values up.

Councilmember Victor Travis moved to approve on First Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by amending Article III, "Districts and Specific Requirements Pertaining to Each District", in the "Residential Large Single Family Dwelling" Zoning District, Section 3, "Area Regulations" with the addition of "8. Garage"; and providing for an effective date. Councilmember Sarah Murray seconded the motion. A unanimous vote was recorded.

OLD BUSINESS:

5. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY GRANTING A SPECIAL USE PERMIT FOR A PUBLIC BUILDING- CITY, COUNTY, STATE OR FEDERAL GOVERNMENT WITHIN A “RESIDENTIAL SMALL SINGLE FAMILY DWELLING” ZONING DISTRICT ON A CERTAIN TRACT OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, BEING 1400 LUFKIN AVENUE, 0040 QUINALTY J. L. , TRACT 41, CHEROKEE MH PK AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL ZONING MAP AND CHANGE THE DESIGNATION OF THE FUTURE LAND USE PLAN MAP OF THE 2001 COMPREHENSIVE PLAN TO “PUBLIC/SEMI-PUBLIC” - APPROVED.**

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a Special Use Permit for a Public Building- City, County, State or Federal Government within a “Residential Small Single Family Dwelling” Zoning District on a certain tract of land within the corporate limits of the City of Lufkin, Texas, being 1400 Lufkin Avenue, 0040 Quinalty J. L. , Tract 41, Cherokee MH PK and authorizing the City Planner to make such changes on the Official Zoning Map and change the designation of the Future Land Use Plan Map of the 2001 Comprehensive Plan to “Public/Semi-Public”.

City Manager Paul Parker stated this item was the Special Use Permit request for the City’s new Fire Station on Lufkin Avenue.

Mayor Gorden opened the Public Hearing at 5:12 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 5:13 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to approve on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas by granting a Special Use Permit for a Public Building- City, County, State or Federal Government within a “Residential Small Single Family Dwelling” Zoning District on a certain tract of land within the corporate limits of the City of Lufkin, Texas, being 1400 Lufkin Avenue, 0040 Quinalty J. L. , Tract 41, Cherokee MH PK and authorizing the City Planner to make such changes on the Official Zoning Map and change the designation of the Future Land Use Plan Map of the 2001 Comprehensive Plan to “Public/Semi-Public”. Councilmember Robert Shankle seconded the motion. A unanimous vote was recorded.

6. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE 3368, BY AMENDING ARTICLE III, DISTRICTS AND SPECIFIC REQUIREMENTS PERTAINING TO EACH DISTRICT, SECTION 3 – AREA REGULATIONS, 1 FRONT YARD IN THE “CENTRAL BUSINESS”, “COMMERCIAL”, “LIGHT MANUFACTURING” AND “HEAVY MANUFACTURING” ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE - APPROVED.**

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by amending Article III, Districts and Specific Requirements pertaining to Each District, Section 3 – Area Regulations, 1 Front Yard in the “Central Business”, “Commercial”, “Light Manufacturing” and “Heavy Manufacturing” Zoning Districts; and providing an effective date.

City Manager Parker stated that this was another recommendation from the Construction Committee, consisting of Mayor Gorden and Councilmembers Langston and Duncan, that worked with Staff to simplify development in the City of Lufkin. City Manager Parker

continued that under the present ordinance in both "Central Business" and "Commercial" Zoning Districts, there is no front yard setback required unless a zoning district having a required front yard is located on the same side of the street between intersecting streets and this condition causes a required twenty feet (20') front yard setback. City Manager Parker stated this has caused numerous different setbacks for these zones and this Ordinance would establish a minimum twenty feet (20') front yard setback in "Commercial", "Light Manufacturing", and "Heavy Manufacturing" Zoning Districts and no front yard setback for "Central Business" Zoning Districts. City Manager Parker stated this would make setback requirements more uniform.

Mayor Gorden opened the Public Hearing at 5:17 p.m. and asked anyone who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:18 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by amending Article III, Districts and Specific Requirements pertaining to Each District, Section 3 – Area Regulations, 1 Front Yard in the "Central Business", "Commercial", "Light Manufacturing" and "Heavy Manufacturing" Zoning Districts; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

7. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE NO. 3368, BY AMENDING ARTICLE XX, "EXCEPTIONS", 4. "ACCESSORY BUILDINGS" AND AMENDING ARTICLE XXVII "DEFINITIONS"; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE - APPROVED.

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on Second Reading an Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368, by amending Article XX, "Exceptions", 4. "Accessory Buildings" and amending Article XXVII "Definitions"; repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated this was an additional development ordinance that came from the Construction Committee to make development easier in the City. City Manager Parker stated that presently if a person owned two (2) adjoining lots with a residence on one, and wished to construct an accessory building on the adjoining lot, the property owner would have to undertake the expensive re-platting process to remove the lot line and combine the lots into one property. City Manager Parker furthered this Ordinance would allow for the construction of an accessory building on an adjoining lot of the main residence that is owned by the resident and would not require the lot to be re-platted. City Manager Parker stated this occurred frequently when residents constructed pool houses. City Manager Parker furthered that the Ordinance did state the accessory building could not have separate utilities to prevent these buildings from becoming businesses or living quarters. Mayor Gorden stated that this Construction Committee had changed a number of Ordinances related to development and Construction in an effort to ease the burden of construction in the City.

Mayor Gorden opened the Public Hearing at 5:20 p.m. and asked anyone who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:21 p.m.

Mayor Gorden asked for questions or comments from the Council. Councilmember Victor Travis asked if a resident had two (2) pieces of property with a building on one (1) lot, could those two (2) lots be joined. City Manager Parker stated yes, but he didn't think it would be beneficial since then both lots would have to be on one (1) water and sewer meter.

Councilmember Don Langston moved to approve on Second Reading an Ordinance of the City of Lufkin, Texas, being Ordinance No. 3368, by amending Article XX, "Exceptions", 4. "Accessory Buildings" and amending Article XXVII "Definitions"; repealing conflicting

provisions; and providing an effective date. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

8. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, BEING ORDINANCE 3368, BY DELETING OF THE CURRENT ARTICLE XXII AND BY ADOPTING A NEW “ARTICLE XXII – OFF STREET PARKING AND LOADING REQUIREMENTS”; AND PROVIDING FOR AN EFFECTIVE DATE - APPROVED.

Mayor Jack Gorden stated the next item for consideration was to conduct a Public Hearing and consider on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by deleting of the current Article XXII and by adopting a new “Article XXII – Off Street Parking and Loading Requirements”; and providing for an effective date.

City Manager Paul Parker stated this was another Ordinance designed to make development friendlier in the City. City Manager Parker continued this Ordinance was designed for shared parking lots in order for commercial businesses to meet parking requirements. City Manager Parker gave the example that if a business was located next to a church; this Ordinance would allow the business to utilize the church’s parking to meet the parking requirements. City Manager Parker furthered this Ordinance also allowed for the use of new material such as landscape stones instead of impervious surfaces for parking areas. City Manager Parker stated that Staff and the Planning and Zoning Commission recommended approval.

Mayor Gorden opened the Public Hearing at 5:23 p.m. and asked anyone who wished to speak on the item to please step forward. There being no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:24 p.m.

Councilmember Don Langston stated he appreciated the comments made earlier by the Mayor regarding the Construction Committee and the work accomplished by the Committee; however, but that the majority of the work on these items came from the City Staff and he wished to give them appreciation. Councilmember Langston continued that the Staff truly had a desire to see the City grow and he wished to thank the Staff for their work and encouraged the Staff to let Council know if there were other items that needed work.

Councilmember Don Langston moved to approve on Second Reading an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, by deleting of the current Article XXII and by adopting a new “Article XXII – Off Street Parking and Loading Requirements”; and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS

9. PUBLIC HEARING AND APPROVAL OF AN INCENTIVE REQUEST FOR PROJECT LANDMARK - APPROVED.

Mayor Jack Gorden stated the next agenda item was to conduct a Public Hearing and consider approval of an incentive request for Project Landmark.

City Manager Paul Parker stated that an individual interested in purchasing the Angelina Hotel approached the City with a request for incentives for Project Landmark and that the individual making the request did not presently own the building but was in the process of buying the property from the bank which repossessed it. City Manager Parker stated that the proposed owner would make a minimum investment of five hundred thousand dollars (\$500,000) for Phase One, which would include replacement of the roof, renovation of the entire façade, remediation of any environmental issues and rehabilitation of the first floor into usable retail and commercial space. City Manager Parker furthered that the proposed owner anticipated that once Phase One was completed, the upper floors would be renovated into a mixed use scenario. City Manager Parker added that due to the Angelina Hotel being one of the cornerstones of the downtown area and in the future would likely require the City to undertake a very expensive condemnation and demolition process, the 4B Economic Development Board recommended the approval of incentives. City Manager Parker

continued that the City currently had a Main Street abatement area and the City had identified the area of Kurth Drive and Downtown for these abatements. City Manager Parker added that the proposed abatement would include tax abatements at one hundred percent (100%) for the first year and for each additional year the abatement would decrease by ten percent (10%) for ten (10) years. City Manager Parker continued that the abatement would only be for the improvement value. City Manager Parker furthered that the proposed owner had also requested a grant to assist with the completion of the façade renovation to return the building to its original exterior and give the appearance that the entire building was occupied. City Manager Parker continued that the 4B Economic Development Board recommended that a one hundred thousand dollar (\$100,000) grant be provided to the owner once at least five hundred thousand dollars (\$500,000) had been expended and the roof had been replaced. City Manager Parker concluded that Staff and the 4B Economic Development Board recommended approval of the proposed abatements and a one hundred thousand dollar (\$100,000) façade incentive grant. Councilmember Lynn Torres clarified that the tax abatements would be for the value of the improvements only and the property would still stay on the tax roll. City Manager Parker stated yes, that was correct.

Mayor Gorden opened the Public Hearing at 5:29 p.m. and asked anyone who wished to speak on the item to please step forward.

Dr. Charles Kent spoke against the item; however, he thanked City Council and Staff for their service and efforts. Dr. Kent continued that he wished to express his concerns regarding the project and that he disagreed with the concept of providing taxpayer monies to fund businesses. Dr. Kent questioned whether the project met the guidelines regarding the reinvestment zone, whether the 4B had a clear set of guidelines regarding how and to whom funds were dispensed, whether there was a provision for repayment, and how the project would be monitored. Dr. Kent also commended Mr. Mark Hicks, the proposed owner, for his accomplishments in downtown. Mr. Tom Darmstader spoke against the item and stated he had also spoke against the item during the 4B Board meeting and he also concurred with Mr. Kent's statement in regard to Mr. Hicks. Mr. Darmstader also commended Barbara Thompson, Main Street Director for her efforts downtown. Mr. Darmstader stated he had serious reservations about 4B funds being used for this project and asked a number of questions regarding the item including whether or not a performance plan was submitted, what the dollar amount of funding would be, did the performance plan contain a "clawback" clause, what was the scope of work and time frame on the project, and whether or not Mr. Hicks would be given any more funding. Mr. Darmstader also asked why the City had not taken action against the current owner, and whether the City of Lufkin Building Official had inspected the hotel and reported his findings. Mr. Darmstader concluded that he felt the City should go after the current owner and require them to mediate the conditions. Mr. Mack Coward spoke against the item and also commended Mr. Hicks for his work downtown. Mr. Mark Hicks, the proposed owner of the hotel, stated that the request for Project Landmark was to restore one of Lufkin's landmarks and that he knew the building had a number of problems and he was excited to undertake it. Mr. Hicks continued that a substantial amount of money would be required to complete the project. Mr. Hicks stated he wanted to continue to improve downtown to bring people into Lufkin and the Angelina Hotel was an integral part of Lufkin's history. Mr. Hicks also answered several of Mr. Darmstader's and Dr. Kent's questions.

Mayor Gorden closed the Public Hearing at 5:47 p.m.

Mayor Gorden asked for questions or comments from the Council. Councilmember Don Langston commended the improvements that had been made in downtown and that he had no concern in whether or not the hotel could be salvaged. Councilmember Langston stated his concerns dealt with the guidelines of both the 4B and Main Street Policy and that it was his opinion that this was not in compliance. Councilmember Langston continued that he was also concerned that the applicant for the incentive was not the owner of the property. Councilmember Langston furthered that he supported the creation of the 4B not because he agreed with the use of sales tax funds for that purpose, but because it was necessary for the area to stay competitive in seeking job growth. Councilmember Langston stated his sole concern was that the main intention of 4B incentives was to create jobs that did not pull from the existing community and he felt this was not the intent, because this project would not create primary jobs. Councilmember Langston continued that he did not oppose the project

or the revitalization of downtown, but he felt the City was setting the wrong precedent. Councilmember Sarah Murray commended Mr. Hicks for his efforts and stated that she felt the one hundred thousand dollars (\$100,000) grant was a much better expense than the City having to expend over four hundred thousand dollars (\$400,000) to demolish the Angelina Hotel. Further discussion ensued between Councilmembers regarding the project. Councilmember Langston concluded that the project was not the issue and the funding should be taken from another fund because he did not feel the 4B was formed for this purpose. Councilmember Langston stated he also had information that the demolition of the hotel would not be as high as four hundred thousand dollars (\$400,000). Councilmember Rufus Duncan stated that he estimated the demolition would cost between two hundred fifty thousand and three hundred thousand dollars (\$250,000-\$300,000). Councilmember Duncan continued that he had also been pushing to have the hotel refurbished and that if something was not done, the hotel would not last another five (5) years due to the current deterioration and would eventually be a life safety issue that would be costly and difficult to remedy. Councilmember Duncan continued that it would be better to invest in the problem now than incur a larger cost in the future; however, he did not know if the 4B was the right place for the funding to come from. Councilmember Duncan continued that he agreed with Councilmember Langston about this incentive setting the wrong precedent. Councilmember Victor Travis questioned whether the City would be repaid should the project not be completed. Economic Development Director Jim Wehmeier answered, yes, should the owner not meet the requirements of the contract, the owner would be responsible for repayment of any cash incentive and tax abatements for the entire length of the contract. Councilmember Travis questioned the viability of the project but also expressed concern with the demolition of the building. Councilmember Torres stated she felt that the project was not being given enough money and that it was a very viable project and very vital to downtown. Councilmember Torres continued that the present owner was not going to put any more money into the property and that the City needed to support the project and honor the 4B's recommendation. Councilmember Langston reiterated that his concern was not for the project, but that the City was setting a precedent that would be hard to justify. Mayor Gorden stated that the overwhelming majority of the young people in Lufkin wanted to see this project completed.

Councilmember Lynn Torres move to approve an incentive request for Project Landmark. Councilmember Sarah Murray seconded the motion. The motion passed with a six (6) to one (1) vote, with Councilmember Don Langston voting against the motion.

10. FIRST READING OF AN ORDINANCE PROVIDING FOR THE CALLING AND ORDERING OF A GENERAL ELECTION FOR THE CITY OF LUFKIN, TEXAS TO BE HELD AT SIX (6) POLLING PLACES IN LUFKIN, TEXAS ON MAY 12, 2012 BETWEEN HOURS OF 7:00 A.M.-7:00 P.M. FOR THE PURPOSE OF ELECTING A MAYOR AND A COUNCILMEMBER FOR WARD TWO (2) AND A COUNCILMEMBER FOR WARD FOUR (4), FOR THREE (3) YEAR TERMS, AND PROVIDING FOR THE NECESSARY NOTICES AND FIXING THE DATE - APPROVED.

Mayor Jack Gorden stated the next agenda item for consideration was the First Reading of an Ordinance providing for the calling and ordering of a General Election for the City of Lufkin, Texas to be held at six (6) polling places in Lufkin, Texas on May 12, 2012 between hours of 7:00 a.m.-7:00 p.m. for the purpose of electing a Mayor and a Councilmember for Ward Two (2) and a Councilmember for Ward Four (4), for three (3) year terms, and providing for the necessary notices and fixing the date.

City Manager Paul Parker stated that the item caption explained the item; it was simply the calling of the May 12th, 2012 municipal elections for places of the Mayor, Councilmember Ward 2 and Councilmember Ward 4.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to approve on First Reading an Ordinance providing for the calling and ordering of a General Election for the City of Lufkin, Texas to be held at six (6) polling places in Lufkin, Texas on May 12, 2012 between hours of 7:00 a.m.-7:00 p.m. for the purpose of electing a Mayor and a Councilmember for Ward Two (2) and a

Councilmember for Ward Four (4), for three (3) year terms, and providing for the necessary notices and fixing the date. Councilmember Sarah Murray seconded the motion. A unanimous vote was recorded.

11. ACCEPTANCE OF A DONATION FROM THE KURTH FOUNDATION TO THE LUFKIN FIRE DEPARTMENT IN THE AMOUNT OF ONE HUNDRED ONE THOUSAND EIGHT HUNDRED TWENTY-SEVEN DOLLARS AND SEVENTY-FIVE CENTS (\$101,827.75) FOR THE PURCHASE OF EQUIPMENT AND APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO.15), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Gorden stated the next item for consideration was the acceptance of a donation from the Kurth Foundation to the Lufkin Fire Department in the amount of one hundred one thousand eight hundred twenty-seven dollars and seventy-five cents (\$101,827.75) for the purchase of equipment and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No.15), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that the Kurth Foundation had generously agreed to donate one hundred one thousand eight hundred twenty-seven dollars and seventy-five cents (\$101,827.75) to the Lufkin Fire Department. City Manager Parker furthered that the Fire Department has requested to purchase two (2) additional Physio Control LP 15 Cardiac Monitors for the two (2) reserve med units and this purchase would allow all units to have this equipment. City Manager Parker continued that the Fire Department wished to purchase a Bio Spray Pack System which is a powder decontamination system to be used in the med units. City Manager Parker furthered that presently if there is a need for decontamination after patient transport; the department must use a liquid spray pump and then wipe the unit clean. City Manager Parker continued that this liquid cannot be used on any of the electronic equipment resulting in a less than thorough cleaning and the process is also very time consuming. City Manager Parker furthered that the new cleaning agent will be applied as a vapor; however, if there were blood or other fluids, they would be cleaned up accordingly. City Manager Parker stated that the total purchase price of this system was thirty-seven thousand eight hundred ninety dollars and ten cents (\$37,890.10) and the two (2) twelve lead monitors are sixty-three thousand eight hundred thirty-seven dollars and ninety-five cents (\$63,837.95), which is slightly below the total grant amount of one hundred one thousand eight hundred twenty-seven dollars and seventy-five cents (\$101,827.75). City Manager Parker concluded that Staff recommended City Council approve the acceptance of the grant, the purchase of the equipment and Budget Amendment No. 15, which would appropriate the funding for the purchases, along with extend the City's thanks for the generous donation from the Kurth Foundation. Mayor Gorden stated that both he and Council commended the Fire Department for their diligence in securing grant funds. Mayor Gorden also expressed his appreciation for the Kurth Foundation. Councilmember Rufus Duncan stated that he didn't feel enough could be said about the generosity of the Kurth Foundation and that the City has received gifts from numerous donors in the medical field, but the donation of these funds by the Kurth Foundation was phenomenal. Councilmember Duncan added that the Kurth family was instrumental in building the Angelina Hotel and that it was amazing that after ninety (90) years, the family was still active in the community.

Councilmember Lynn Torres moved to approve acceptance of a donation from the Kurth Foundation to the Lufkin Fire Department in the amount of one hundred one thousand eight hundred twenty-seven dollars and seventy-five cents (\$101,827.75) for the purchase of equipment and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No.15), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous vote was recorded.

12. APPROVAL OF A PROPOSAL FOR ENGINEERING SERVICES FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) STATEWIDE TRANSPORTATION AND ENHANCEMENT PROGRAM (STEP) GRANT TO KSA

ENGINEERS IN THE AMOUNT OF ONE HUNDRED SEVENTY-NINE THOUSAND ONE HUNDRED DOLLARS (\$179,100) – APPROVED.

Mayor Jack Gorden stated the next item for consideration was the approval of a proposal for Engineering Services for the Texas Department of Transportation (TxDOT) Statewide Transportation and Enhancement Program (STEP) Grant to KSA Engineers in the amount of one hundred seventy-nine thousand one hundred dollars (\$179,100).

City Manager Paul Parker stated that the City received a grant in the amount of two million dollars (\$2,000,000) and the funds for the required match in the amount of four hundred thousand dollars (\$400,000) was set aside in a previous bond issue. City Manager Parker continued that this project would construct three (3) sidewalks as part of the Statewide Transportation and Enhancement Program (STEP) which would be located on Feagin Drive parallel to the railroad tracks connecting Chambers Park to Grace Dunne Richardson Park, along York Drive from Kurth Elementary to Kiwanis Park and the third location was on Kurth Drive connecting Brandon Elementary located on Sayers Street to Jones Park. City Manager Parker continued that construction of these sidewalks was the overall scope of the project; however, the item on the agenda today was the selection of an engineering firm to design the project. City Manager Parker added the engineering budget for the project was estimated at two hundred thousand dollars (\$200,000) and that Staff with the assistance of the Texas Department of Transportation, negotiated an engineering fee with KSA Engineers in the amount of one hundred seventy-nine thousand one hundred dollars (\$179,100) for the design and inspection of this project. City Manager Parker furthered that Staff recommended this contract be awarded to KSA Engineers. Councilmember Don Langston asked whether this grant was one hundred percent (100%) funded or if there was required match from the City. City Manager Parker answered that the City was responsible for four hundred thousand dollars (\$400,000) in matching funds and this funding was allocated in the recent bond issue. Mayor Gorden stated that he had understood that the State was cancelling this program. City Manager Parker answered yes, it was being cancelled; however, the City's project was one of the last to be funded.

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

Councilmember Robert Shankle moved to approve a proposal for Engineering Services for the Texas Department of Transportation (TxDOT) Statewide Transportation and Enhancement Program (STEP) Grant to KSA Engineers in the amount of one hundred seventy-nine thousand one hundred dollars (\$179,100). Councilmember Sarah Murray seconded the motion. A unanimous vote was recorded.

13. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, EXTENDING THE FAÇADE IMPROVEMENT PROGRAM GRANT; AND DECLARING AN EFFECTIVE DATE AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 16), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE ECONOMIC DEVELOPMENT FUND; AND PROVIDING AN EFFECTIVE DATE - APPROVED.

Mayor Gorden stated the next item for consideration was a Resolution of the City Council of the City of Lufkin, Texas, extending the Façade Improvement Program Grant; and declaring an effective date and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 16), providing for the supplemental appropriation of funds in the Economic Development Fund; and providing an effective date.

City Manager Parker stated that Barbara Thompson, Main Street Director, would show Council a presentation regarding this program. City Manager Parker continued that in August 2010, Council appropriated fifty thousand dollars (\$50,000) for the Façade Improvement Program Grant for the downtown area. City Manager Parker stated the grant was a ten thousand dollar (\$10,000) grant that required one-to-one match, or at least a twenty thousand dollar (\$20,000) investment by the grantee to receive the funding and that several businesses had participated. City Manager Parker furthered that Director Thompson would highlight some of those in her presentation including the Blithe Boutique, The Standpipe Coffee House, Quality Bargains and Louis and Sealy Appraisal Firm. City Manager Parker

stated that Ultra Fit would be receiving the final grant from the initial funding and City Staff had received further inquiries by other downtown businesses, thus the reason for the request to extend the grant program and appropriate additional funding. City Manager Parker then asked Director Thompson to show the presentation of the completed projects. Director Thompson stated that there were five (5) members on the committee that selected the projects for the grant and of the initial amount of fifty thousand (\$50,000), all funds had been expended. Director Thompson then showed a Power Point presentation highlighting the completed façade projects, the increased value of the properties and the number of employees the new businesses employed.

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

Councilmember Don Langston commented that he was a big proponent of the City finding funds for downtown renovation, especially for exterior renovations and that Council sought funding from many different avenues. Councilmember Langston said that the City did not have any luck with different foundations or grants in obtaining funding for downtown renovations; however, he believed that the City needed to continue the program. Councilmember Langston furthered that he wished to go on record that the City was delving into the wrong pot of funding for downtown renovation. Councilmember Langston stated that he had read the legislation and that he felt the City Attorney needed to research the legislation to make sure the City was not doing anything wrong. Councilmember Langston continued that the project needed to be continued, however; it needed to be funded from a different mechanism. Councilmember Rufus Duncan echoed Councilmember Langston's statement and stated that the project needed to be paid for out of a different fund. City Manager Parker stated that the use of the 4B funds was entirely up to the City Council and that it was the decision of the Council as to what was an appropriate use. Councilmember Langston reiterated that the project needed to be funded, just not with 4B funding. City Manager Parker stated that if Council wished to consider other funding sources, Staff could do so. Councilmember Langston stated his only point was he felt that the City should not open itself up to litigation and should fund this project from another source. Councilmember Langston continued that he strongly supported continuing this program and he was only questioning where the funding was coming from. City Manager Parker stated that the funding could be taken from the monies previously set aside for the Civic Center in case grant funding was not received. City Manager Parker stated that three hundred thousand dollars (\$300,000) in funding was set aside but now the grants were going to be approved, and fifty thousand dollars (\$50,000) could be allocated from this for the program, or the funding could be taken from the General Fund Fund Balance. Councilmember Langston suggested that the City Attorney review the previous item regarding the expenditure from 4B funding for Project Landmark to insure the expenditure was legal. City Attorney Green stated this Resolution was just to continue the program and did not delineate where the funding was being taken from. Mayor Gorden stated that wording on the 4B ballot was so much broader and could include projects such as this. Councilmember Langston stated that since that time there had been a lot of interpretation that had narrowed the use of the funding. Councilmember Langston stated that the project needed to be funded. Mayor Gorden suggested that the project be funded through another avenue and prior to expending 4B funds on any similar project, the City research and make a determination as to whether this type of expenditure was a legal use. Councilmember Langston concurred and stated he did not want to delay this program and suggested it be funded through the funding set aside for the Civic Center.

Councilmember Don Langston moved to approve a Resolution of the City Council of the City of Lufkin, Texas, extending the Façade Improvement Program Grant; and declaring an effective date and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 16), providing for the supplemental appropriation of funds in the Convention Center Fund; and providing an effective date. Councilmember Rufus Duncan seconded the motion. A unanimous vote was recorded.

14. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 266 REGULATING CONDUCT IN PUBLIC PARKS AND ALL AMENDMENTS THERETO; OF THE CITY OF LUFKIN, TEXAS, REPEALING CONFLICTING AND INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE – APPROVED.

Mayor Gorden stated the next item for consideration was the First Reading of an Ordinance amending Ordinance No. 266 regulating conduct in public parks and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing for an effective date.

City Manager Paul Parker stated that Staff had identified three (3) different areas in the current Parks Ordinance for modification including adding a provision to prohibit camping or sleeping in the Park, adding language to clarify the legality of the City of Lufkin Fourth of July fireworks show and a modification to allow alcohol to be served at City Parks during a City sponsored event, such as Summer Fest.

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

Councilmember Rufus Duncan stated he could not support serving alcohol in a City Park and did not want to entertain the idea. Councilmember Victor Travis concurred. Councilmember Sarah Murray stated that she was against alcohol being served in a City Park.

Councilmember Don Langston moved to approve on First Reading an Ordinance amending Ordinance No. 266 regulating conduct in public parks and all amendments thereto; of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions; and providing for an effective date; with the stipulation that the provision allowing alcohol to be served in City Parks during a City sponsored event be removed. Councilmember Rufus Duncan seconded the motion. A unanimous vote was recorded.

City Attorney Bruce Green stated that the revised ordinance reflecting Councils wishes would be provided for on the second reading of the Ordinance.

15. CONSIDER APPROVAL OF THE PURCHASE OF THREE (3) LOTS FOR A DOWNTOWN PARKING AREA IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 17), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Gorden stated the next item on the Agenda was to consider approval of the purchase of three (3) lots for a downtown parking area in the amount of seventy-five thousand dollars (\$75,000) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 17), providing for the supplemental appropriation of funds in the General Fund and providing an effective date.

City Manager Parker stated that Council recently authorized Staff to negotiate the purchase of three (3) lots in the downtown area to provide free parking. City Manager Parker continued that an agreement had been reached with Moore Building Associates for the purchase of two (2) lots for twenty-five thousand dollars (\$25,000) each and the negotiations for the third lot owned by Regions bank were still in process. City Manager Parker continued that it was the intent to purchase the lots and improve them to provide additional free parking downtown. City Manager Parker stated that the total price including closing costs was anticipated to be seventy-nine thousand seven hundred fifty dollars (\$79,750) and Staff recommended Council approve Budget Amendment No. 17 for the purchase of these lots.

Councilmember Lynn Torres moved to approve the purchase of three (3) lots for a downtown parking area in the amount of seventy-five thousand dollars (\$75,000) and a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 17), providing for the supplemental appropriation of funds in the General Fund and providing an effective date. Councilmember Sarah Murray seconded the motion. A unanimous vote was recorded.

16. Mayor Jack Gorden recessed the Regular Session at 6:43 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 7:15 p.m.

17. **DISCUSSION OF ITEMS OF COMMUNITY INTEREST, INCLUDING EXPRESSIONS OF THANKS, CONGRATULATIONS OR CONDOLENCE; INFORMATION REGARDING HOLIDAY SCHEDULES; HONORARY RECOGNITIONS OF CITY OFFICIALS, EMPLOYEES OR OTHER CITIZENS; REMINDERS ABOUT UPCOMING EVENTS SPONSORED BY THE CITY OR OTHER ENTITY THAT IS SCHEDULED TO BE ATTENDED BY CITY OFFICIALS OR EMPLOYEES; AND ANNOUNCEMENTS INVOLVING IMMINENT THREATS TO THE PUBLIC HEALTH AND SAFETY OF THE CITY**

Mayor Gorden stated that the next item for consideration was the discussion of items of community interest, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary recognitions of City officials, employees or other citizens; reminders about upcoming events sponsored by the City or other entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of the City.

City Manager Parker stated that Council had the calendar of upcoming events before them and highlighted some of the events.

18. There being no further business for consideration, the meeting adjourned at 7:20 p.m.

Kara Atwood
Kara Atwood, City Secretary


Jack Gorden, Mayor