

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY  
OF LUFKIN, TEXAS HELD ON THE 3<sup>RD</sup> DAY OF FEBRUARY, 2009**

On the 3<sup>rd</sup> day of February, 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.  
Rose Faine Boyd  
R. L. Kuykendall  
Don Langston  
Rufus Duncan  
Phil Medford  
Paul L. Parker  
Keith Wright  
Renee Thompson  
Bob Flounoy  
Scott Marcotte  
Doug Wood  
Steve Floyd  
Chuck Walker  
Dale Allred  
Sid Munlin  
Barbara Thompson  
Dorothy Wilson  
Jim Wehmeier  
Bill Cameron

Mayor  
Mayor Pro Tem  
Councilmember, Ward No. 1  
Councilmember, Ward No. 4  
Councilmember, Ward No. 5  
Councilmember, Ward No. 6  
City Manager  
Assistant City Manager  
City Secretary  
City Attorney  
Asst. Police Chief  
Finance Director  
Public Works Director  
Public Utilities Director  
Inspection Services Director  
IT Director  
Main Street Director  
Planning Director  
Economic Development Director  
City Webmaster

being present, and

Lynn Torres

Councilmember, Ward No. 3

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Reverend Vic Bass, Faith Family Church.
2. Mayor Jack Gorden welcomed visitors present.

**3. APPROVAL OF MINUTES**

Minutes of the Regular Meeting of January 20, 2009, were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

**OLD BUSINESS:**

4. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 3368 OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, - APPROVED - BY AMENDING ARTICLE XI TO ADD “ARTICLE XI-A, O- OFFICE DISTRICT” AND ASSOCIATED USES THERE TO; CREATING NEW SIGN DEFINITIONS WITHIN “ARTICLE XXVII, DEFINITIONS”; AND PROVIDING AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of an Ordinance amending Ordinance No. 3368 of the Code of Ordinances of the City of Lufkin by amending Article XI to add “Article XI-A, O- Office District” and associated uses there to; creating new sign definitions within “Article XXVII, Definitions”; and providing an effective date.

City Manager Paul Parker asked Planning Director Dorothy Wilson to come to the podium and explain the modifications that were made to the Ordinance. City Manager Parker added

that after Ms. Wilson went through the changes, he would answer and questions that the Council had concerning the Ordinance.

Planning Director Dorothy Wilson stated that there were some suggestions that were brought forth concerning the Ordinance at the last Council Meeting. Ms. Wilson added that Staff made changes based on the input. Ms. Wilson stated that the first input was regarding the reference to fifty percent (50%) coverage. Ms. Wilson explained that because Section One, Purpose, Item C and D both referred to different items, with Section C referring to secondary uses in the Zoning Code and Section D referring to structures, Staff recommended that no changes be made to those Sections or to Section Nine, on the discussion of the Impact Mitigation. Ms. Wilson stated that the Impact Mitigation was something that the City of Lufkin didn't have in any other zone. Ms. Wilson added that when spelling out the other requirements, the City needed to make people aware exactly what they were on the actual site plan.

Ms. Wilson stated that there was also input regarding the underground setbacks. Ms. Wilson stated that her recommendation was to change the above ground rear setback to ten feet (10'). Ms. Wilson explained that would provide more uniformity in response to the Ordinance being confusing.

Ms. Wilson stated that on the third item, she went through the entire Ordinance and changed everything to Director of Planning, which matched other Ordinances that had been written by the Planning Department. Ms. Wilson added that there were also a few typos in the Ordinance and that she corrected those mistakes.

Ms. Wilson stated that she was available to answer any questions that the Council had concerning the Ordinance and its modifications.

Mayor Gorden opened the Public Hearing 5:09 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 5:10 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance amending Ordinance No. 3368 of the Code of Ordinances of the City of Lufkin by amending Article XI to add "Article XI-A, O- Office District" and associated uses there to; creating new sign definitions within "Article XXVII, Definitions"; and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

#### **NEW BUSINESS:**

- 5. FIRST READING OF AN ORDINANCE PROVIDING FOR THE CALLING AND ORDERING OF A GENERAL ELECTION FOR THE CITY OF LUFKIN, TEXAS – APPROVED - TO BE HELD AT SIX (6) POLLING PLACES IN LUFKIN, TEXAS ON MAY 9, 2009 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**

Mayor Jack Gorden stated that the next 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 9, 2009 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 the Mayor had basically explained the agenda item. City Manager Parker added that the Ordinance was calling and ordering the General Election that would be held in May for Wards Two and Four and the Mayor's position.

Mayor Gorden asked if Staff had made arrangements for all of the polling places. City Manager Parker stated that this had been done, and that the six polling places were listed in the handout on the desk in front of each Council Member. City Manager Parker explained that this was the revised list of polling places which would also coincide with the Lufkin Independent School District and the City working together for common polling places. Mayor Gorden stated that this was a great move forward to try to coordinate the two (2) elections.

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

Councilmember Rose Faine Boyd moved to approve the First Reading of the 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 9, 2009 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 Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

**6. PURCHASE OF NINE (9) 2009 CROWN VICTORIA POLICE CARS - APPROVED - IN THE AMOUNT OF \$223,879 TO PHILPOTT MOTORS THROUGH BUYBOARD**

Mayor Jack Gorden stated that the next item for consideration was the purchase of nine (9) 2009 Crown Victoria Police cars in the amount of \$223,879 to Philpott Motors through BuyBoard.

City Manager Paul Parker stated that this was the annual bid to replace approximately one-half (½) of the patrol units. City Manager Parker explained that approximately eighty thousand (80,000) miles were put on the units in a two (2) year period. City Manager Parker added that there were a lot more hours of running for the units than miles because the units were never shut off, even when reports were being made or when officers were observing intersections. City Manager Parker stated that the cars were worn from the experiences, to the point where they were no longer good for police pursuits and/or police business. City Manager Parker stated that some of the vehicles would probably be rotated into the fleet, as Public Works Director Steve Floyd was able to look at them to determine which could be rolled into the fleet and which vehicles needed to be removed from fleet. City Manager Parker stated that nine (9) vehicles would be replaced in the Police Department, whenever these nine vehicles were purchased. City Manager Parker stated that the total cost was two hundred twenty-three thousand eight hundred seventy-nine dollars (\$223,879) or approximately twenty-four thousand eight hundred seventy-five dollars and forty-five cents (\$24,875.45) each. City Manager Parker added that those vehicles came with plastic rear seat molds and other accessories. City Manager Parker explained that slight modifications had been made, because the Fleet Services would now do some of the installation of some of the accessories to drop the cost for the City. City Manager Parker stated that Staff recommended that Council approve the purchase of nine (9) 2008 Ford Police Interceptor Cars from Philpott Motors, in the amount of two hundred twenty-three thousand eight hundred seventy-nine dollars (\$223,879).

Councilmember Rose Faine Boyd asked City Manager Parker if the cars were 2008 models or were they 2009 models. City Manager Parker stated that they were 2009 models and that he stood corrected and thanked Councilmember Boyd for the correction.

Councilmember Rose Faine Boyd moved to approve the purchase of nine (9) 2009 Crown Victoria Police cars in the amount of \$223,879 to Philpott Motors through BuyBoard. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

Mayor Gorden then commended City Staff for the recent “on-line” auction, where approximately two hundred fifty thousand dollars (\$250,000) was raised. City Manager Parker agreed that the auction was very successful.

**7. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2008/2009 OPERATING BUDGET (BUDGET AMENDMENT NO. 11), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE**

## **SOLID WASTE AND RECYCLING FUND; AND PROVIDING AN EFFECTIVE DATE, FOR THE HURRICANE IKE RELATED DEBRIS GRINDING OPERATIONS**

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an amendment to the 2008/2009 Operating Budget (Budget Amendment No. 11), providing for the supplemental appropriation of funds in the Solid Waste and Recycling Fund; and providing an effective date, for the Hurricane Ike related debris grinding operations.

City Manager Paul Parker stated that the City had two (2) contracts during the Hurricane Ike debris removal. City Manager Parker added that one of those contracts was with Angelina Fuels for the first portion of the removal, where contractors were picking up the debris. City Manager Parker stated that after the City left the one hundred percent (100%) reimbursement period, the City Staff collected the second phase through a pilot project. City Manager Parker added that this debris was twenty six thousand (26,000) cubic yards in size and was collected by Solid Waste, Street, Parks and Water Departments. City Manager Parker explained that there were several departments working together in that area. City Manager Parker stated that the bottom line was that the City learned on the previous day that the City of Lufkin did receive full funding from FEMA and did receive the reimbursement. City Manager Parker stated that the City received ninety percent (90%) of the contract from Angelina Fuels, and one hundred percent (100%) of the amount the City collected. City Manager Parker stated that the reimbursement was approximately one million two hundred thousand dollars (\$1,200,000), and that the City had received these funds. City Manager Parker stated that part of the funds would be placed in an account for future expenditures. City Manager Parker added that the City had received a low bid of one dollar and fifty cents (\$1.50) per cubic yard for the debris grinding and removal. City Manager Parker stated that the grinding had concluded, and the removal of the final chips was nearing completion. City Manager Parker added that once that was complete, City Staff would go in and dress up the area where the grinding operation took place at Grace Dunne Park. City Manager Parker stated that Staff recommended that Budget Amendment No. 11 be approved by the Council.

Mayor Gorden asked if there was some question about the remaining ten percent (10%) that the City had not received for the contract for Angelina Fuels. City Manager Parker stated that this was just part of a process, and Staff would have to go back and find out why the City didn't receive the full amount. City Manager Parker stated that the only thing that the City had been reimbursed for was the debris removal and some minor small amounts. City Manager Parker added that the City was still owed for a lot of overtime for the Police Department, Street Department, and a few other departments. City Manager Parker stated that this was not all of the FEMA reimbursement, but was the major two (2) components. City Manager Parker added that nothing was flagged as a major problem on the reimbursement. Assistant City Manager Keith Wright stated that other cities were having the same issues and not receiving their full reimbursements either. Assistant City Manager Wright added that the reimbursement was approved at one hundred percent (100%).

Mayor Gorden stated that he and all of the Council wanted to commend the City Staff for the quick removal. Mayor Gorden added that the debris was picked up from the yards and streets of the City of Lufkin way before most every other place around this area.

Mayor Gorden then asked about approximately two hundred thousand dollars (\$200,000) that was owed to the City of Lufkin from some prior event. City Manager Parker stated that the City had received most of the money from Hurricane Dolly, but there was approximately two thousand dollars (\$2,000) still owed to the City. City Manager Parker added that the City had also filed for reimbursement for expenses from Hurricane Gustav, which was the second event, and that the City had opened shelters for approximately two thousand eight hundred (2,800) people. City Manager Parker explained that the funds for that event was around one hundred twenty-five thousand dollars (\$125,000), and had been filed, but not received. City Manager Parker stated that there were still funds to be reimbursed by FEMA that had not been received.

Assistant City Manager Keith Wright stated that Mayor Gorden might be referring to Hurricane Rita, because the City had asked for two hundred thousand dollars (\$200,000) in an appeal.

Councilmember R. L. Kuykendall moved to approve the Resolution authorizing an amendment to the 2008/2009 Operating Budget (Budget Amendment No. 11), providing for the supplemental appropriation of funds in the Solid Waste and Recycling Fund; and providing an effective date, for the Hurricane Ike related debris grinding operations. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

8. Mayor Jack Gorden recessed the Regular Session at 5:20 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 5:42 p.m.

9. **APPOINTMENTS – APPROVED – TO THE ZONING BOARD OF ADJUSTMENTS AND APPEALS**

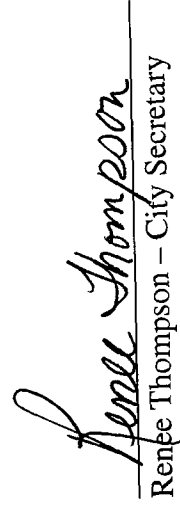
Mayor Jack Gorden stated that the next item for consideration was the appointments to the Zoning Board of Adjustments and Appeals

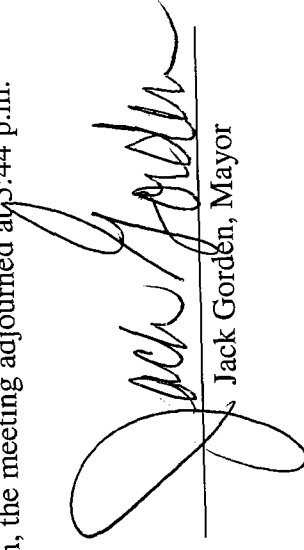
Councilmember Rose Faine Boyd moved to appoint Jyce Thomas to the Zoning Board of Adjustments and Appeals. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

10. **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. City Manager Parker reminded everyone about the upcoming Lufkin Day Event in Austin, Texas on February 11, 2009. City Manager Parker added that City Secretary Renee Thompson had given out everyone's travel checks and if anyone had questions concerning the Event to contact Ms. Thompson. City Secretary Renee Thompson reminded everyone about the Arbor Day Celebration that would be held at Slack Elementary on Friday, February 6, 2009 at 9:00 a.m. Mayor Gorden stated that the First Friday Luncheon would also be held on Friday, February 6, 2009, at 12:00 noon at Crown Colony and asked everyone that planned to attend to RSVP to City Secretary Renee Thompson.

18. There being no further business for consideration, the meeting adjourned at 5:44 p.m.

  
Renee Thompson – City Secretary

  
Jack Gorden, Mayor