

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY  
OF LUFKIN, TEXAS HELD ON THE 2<sup>ND</sup> DAY OF FEBRUARY, 2009**

On the 2<sup>nd</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.	Mayor
Don Langston	Mayor Pro-Tem
R. L. Kuykendall	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rufus Duncan	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Renee Thompson	City Secretary
Rodney Ivy	Human Resource Director
Scott Marcotte	Police Chief
Gerald Williamson	Asst. Police Chief
Dorothy Wilson	Planning Director
Steve Poskey	Street Department, Superintendent
Steve Floyd	Public Works Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Chuck Walker	Public Utilities Director
Chris Cherry	City Intern

being present, when the following business was transacted:

1. The meeting was opened with prayer by Deputy City Manager Keith Wright.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of January 19, 2010 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

**OLD BUSINESS:**

4. **SECOND 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 TWO (2) POLLING PLACES IN LUFKIN, TEXAS ON MAY 8, 2010 BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M. FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR WARD 1 AND COUNCILMEMBER FOR WARD 3, FOR THREE (3) YEAR TERMS, PROVIDING FOR THE NECESSARY NOTICES AND FIXING THE DATE**

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance providing for the calling and ordering of a General Election for the City of Lufkin, Texas to be held at two (2) polling places in Lufkin, Texas on May 8, 2010 between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing a Councilmember for Ward 1 and Councilmember for Ward 3, for three (3) year terms, providing for the necessary notices and fixing the date.

City Manager Paul Parker stated that he had nothing to add, because it was the Second Reading of the Ordinance.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the Second Reading of the Ordinance providing for the calling and ordering of a General Election for the City of Lufkin, Texas to be held at two (2) polling places in Lufkin, Texas on May 8, 2010 between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing a Councilmember for Ward 1 and Councilmember for Ward 3, for three (3) year terms, providing for the necessary notices and fixing the date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

#### **NEW BUSINESS:**

**5. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING DESIGNATION ON LAND DESCRIBED AS BEING LOCATED ON THE SOUTH SIDE OF PAUL AVENUE, BETWEEN DALE AND LUBBOCK STREETS AND BEING A 1.308 ACRE PARCEL OF THE 0040 L. L. QUINALTY SURVEY, TRACT 266, ANGELINA COUNTY, TEXAS, A RESIDENTIAL SMALL SINGLE-FAMILY DWELLING" ZONING DISTRICT TO A "DUPLEX DWELLING" ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN TO THE CLASSIFICATION OF "MEDIUM DENSITY RESIDENTIAL"**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation on land described as being located on the south side of Paul Avenue, between Dale and Lubbock Streets and being a 1.308 acre parcel of the 0040 L. L. Quinalty Survey, Tract 266, Angelina County, Texas, a Residential Small Single-Family Dwelling" Zoning District to a "Duplex Dwelling" Zoning District and authorizing the City Planner to make such changes on the Official Map and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of "Medium Density Residential".

City Manager Paul Parker stated that the owner of the property was Travis Carter, who was represented by Joe Douglas, who was representing Community Bible Tabernacle. City Manager Parker explained that the applicant was requesting a change of zoning from "Residential Small Single-Family Dwelling" to a zoning classification of "Duplex Dwelling". City Manager Parker added that the applicant intended to develop three (3) two-family homes/duplexes on the property. City Manager Parker stated that the property to the north, on the opposite side of Paul Street of the subject property, was zoned as "Residential Medium Single-Family Dwelling". City Manager Parker added that the properties to the south, east and west were zoned as "Residential Small Single-Family Dwelling".

City Manager Parker stated that the property was currently undeveloped and was wooded and in a natural vegetation state at the time. City Manager Parker added that the Planning and Zoning Commission and Staff recommended approval of the zone change from "Residential Small Single-Family Dwelling" to "Duplex Dwelling", and to amend the Comprehensive Plan Land Use Map from "Low Density Residential" to "Medium Density Residential".

Mayor Gorden opened the Public Hearing at 5:08 p.m., and asked those wishing to speak on the item to please come forward. Speaking concerning the zone change was:

Joe Douglas

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

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation on land described as being located on the south side of Paul Avenue, between Dale and Lubbock Streets and being a 1.308 acre parcel of the 0040 L. L. Quinalty Survey, Tract 266, Angelina County, Texas, a Residential Small Single-Family Dwelling" Zoning District to a "Duplex Dwelling" Zoning District and authorizing the City Planner to make such changes on the Official Map and the Future Land Use Plan of the 2001 Comprehensive Plan to the

classification of "Medium Density Residential". Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**6. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE 3368, TO ADD LANDSCAPE AND TREE PRESERVATION REQUIREMENTS; DELETE CURRENT LANDSCAPING; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, to add landscape and tree preservation requirements; delete current landscaping; repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated that he would give a preliminary review, and then would ask Planning Director Dorothy Wilson to go over a summation of the Ordinance. City Manager Parker stated that the Landscape Ordinance first originated in March 2007, during a retreat of City Council Members and Staff. City Manager Parker explained that a preliminary draft of the Ordinance was presented to the City Council in April 2008, during the next annual retreat. City Manager Parker added, that after that retreat the Council asked Staff to make some changes in the Ordinance and go through the necessary procedures to bring it back to the Council for consideration. City Manager Parker stated that Council again discussed the Ordinance at a May 5, 2009 Council Meeting and Work Session. City Manager Parker added that the Council had some concerns relating to the Ordinance, and asked Staff to address some areas, especially in regard to indiscriminate clearing and enforcement of requirements that the Ordinance called for. City Manager Parker furthered that at the conclusion of that meeting it was decided that Staff would review the issues and then go forth with Public Hearings. City Manager Parker stated that Public Hearings were heard on that draft of the Ordinance on June 17, 2009 and August 4, 2009. City Manager Parker added that other Public Hearings were held during the Planning and Zoning Commission Meetings on July 27, 2009 and August 10, 2009. City Manager Parker stated that the matter was again brought to the Council for consideration, after being originally denied by the Planning and Zoning Commission. City Manager Parker added that the Council again considered the Ordinance on August 18, 2009, and because of concerns of the Planning and Zoning Commission and other individuals at the time a Review Committee was formed. City Manager Parker stated that individuals from all facets of life were named on the committee, including the Planning and Zoning Commission, developers, representatives from Texas Forest Service and other individuals that had an interest in the Landscape Ordinance. City Manager Parker added that the Committee had twelve (12) meetings concerning the Ordinance, and put in an extensive amount of time and effort developing the Ordinance. City Manager Parker stated that the Committee worked together well and had excellent input throughout the process. City Manager Parker added that on Monday, January 25, 2010, the Planning and Zoning Commission reviewed the Ordinance and recommended it for approval to the City Council by a four (4) to two (2) vote. City Manager Parker stated that there was one (1) question in the Ordinance regarding the Texas Commission on Environmental Quality (TCEQ) permits that was resolved at the final meeting of the Review Committee which was held after the Planning and Zoning Commission Meeting. City Manager Parker explained that the clarification was incorporated into the Ordinance that was before the Council. City Manager Parker then turned the meeting over to Planning Director Dorothy Wilson to go through a presentation regarding the Landscape and Tree Preservation Ordinance. City Manager Parker added that hundreds of hours had been spent by many individuals concerning the Ordinance.

Planning Director Dorothy Wilson then went through a PowerPoint presentation regarding the Landscape and Tree Preservation Ordinance. Ms. Wilson thanked the Review Committee for their hard work, perseverance, and the many hours they put into working on the Ordinance.

There was discussion among the Council and Staff concerning the Landscape and Tree Preservation Ordinance.

Mayor Gorden opened the Public Hearing at 5:38 p.m. and asked those wishing to speak on the item to please come forward. Speaking concerning the zone change were:

Bennie Hollis  
David Dolben  
Ellen Temple

Mayor Gorden closed the Public Hearing at 5:45 p.m.

Mayor Gorden then thanked all of the committee members and asked for questions or comments from the Council.

There was further discussion among the Mayor and Council concerning the Ordinance.

Councilmember Rufus Duncan moved to approve the First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, to add landscape and tree preservation requirements; delete current landscaping; repealing conflicting provisions; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**7. STREET RECONSTRUCTION LIST – APPROVED - FY '09-10.**

Mayor Jack Gorden stated that the next item for consideration was the Street Reconstruction List FY '09-10.

City Manager Paul Parker stated this was the annual street reconstruction recommendation to the Council for the Street Program. City Manager Parker added that eight hundred thousand dollars (\$800,000) was budgeted for the Street Overlay Program. City Manager Parker stated that included in the Council's Packets were the recommended streets that the Street Department was recommending to the Council for consideration. City Manager Parker explained that the reason for the meeting was to see if the Council wanted to change any of the streets on the list. City Manager Parker stated that Staff broke the list down into two (2) options for the sake of watching the City's Sales Tax. City Manager Parker stated that Option A totaled roughly five hundred forty-two thousand dollars (\$542,000), and Option B totaled roughly one hundred sixty-four thousand dollars (\$164,000). City Manager Parker stated that Option B would not be able to be physically completed until after the budget review. City Manager Parker added that Option B would be held in case the Sales Tax continued to decline, although the Council was aware that there was a reserve that could be used. City Manager Parker explained that Staff was not asking the Council to choose either Option A or Option B, but was the way that Staff planned to approach the street reconstruction, and would give time to review Option B if funds continued to decline due to the Sales Tax slump. City Manager Parker stated that there would be approximately seven hundred seven thousand dollars (\$707,000) in improvements out of the proposed budget of eight hundred thousand dollars (\$800,000). City Manager Parker explained that the variance was left because of the quantities and fluctuation in material costs. City Manager Parker added that just as in past years, if the total cost came in under the eight hundred thousand dollars (\$800,000) budgeted, Staff would bring additional streets to the Council to complete the Overlay Program. City Manager Parker stated that if staff and equipment were added in to the seven hundred seven thousand dollars (\$707,000) in materials, the total cost of the project would be approximately eight hundred forty-five thousand dollars (\$845,000) if the City was contracting the project out. City Manager Parker stated that Staff recommended the Street Reconstruction List, and that Street Superintendent Steve Poskey was in the audience if the Council had any questions or concerns. City Manager Parker added that Staff made sure that the water and sewer were in good enough condition on all of the streets listed so that the streets would not be overlaid and then immediately have problems that would cause them to have to be cut for repairs. City Manager Parker stated that the Council had the lists and that Staff could go over it in detail, and Staff would do whatever was the Council's pleasure.

There was discussion among the Staff and Council concerning the Street Reconstruction List.

Mayor Gorden asked for questions or comments from the Council.

Councilmember R. L. Kuykendall moved to approve the Street Reconstruction List FY '09-10. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

**8. BID FOR THE REPAIR OF FIELDS 4-8 AT KIT MCCONNICO PARK – APPROVED - FOR NINETY-SIX THOUSAND THREE HUNDRED TWENTY DOLLARS (\$96,320) TO MUSCO LIGHTING**

Mayor Jack Gorden stated that the next item for consideration was the bid for the repair of fields 4-8 at Kit McConnico Park for ninety-six thousand three hundred twenty dollars (\$96,320) to Musco Lighting.

City Manager Paul Parker stated that the Council was aware of the recent tornado event that hit Lufkin. City Manager Parker added that Kit McConnico Park was hit very severely by the tornado. City Manager Parker stated that the City had several ongoing bids and discussions with adjusters and the TML Risk Pool concerning the main concession stand, the older concession stand, the utility building, and the light poles on fields one through three (1-3) and four through eight (4-8). City Manager Parker explained that fields four through eight (4-8) were the new fields with the metal poles and lighting. City Manager Parker added that Musco Lighting, who installed the lighting, gave the City a quote. City Manager Parker stated that due to the fact that all poles and lighting would not be replaced, it was a necessity to replace the damaged poles and lights with Musco Lighting parts. City Manager Parker added that the TML Risk Pool agreed to allow Musco to repair the lights on fields four through eight (4-8), and approved payment of ninety-six thousand three hundred twenty dollars (\$96,320) for the repair to the lights. City Manager Parker stated that Staff recommended that the Council approve the bid to Musco Lighting in the amount of ninety-six thousand three hundred twenty dollars (\$96,320) for the repair of fields four through eight (4-8). City Manager Parker added that this was the first portion of the funds needed to complete the repairs at Kit McConnico, and that Staff would return at a later date for additional funds. City Manager Parker stated that the decision to only repair fields four through eight (4-8) was due to the fact that the other fields (1-3) were older lights on creosote poles, and it was harder to get bids on creosote poles. City Manager Parker added that Staff was still working with the TML Risk Pool on fields one through three (1-3). City Manager Parker reiterated that Staff recommended that the Council award a contract to Musco Lighting in the amount of ninety-six thousand three hundred twenty dollars (\$96,320), with the understanding that this was their estimate at this time, and that TML would pay on the actual receipts and charges for materials and labor for the project.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the bid for the repair of fields 4-8 at Kit McConnico Park for ninety-six thousand three hundred twenty dollars (\$96,320) to Musco Lighting. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

**9. APPLICATION WITH THE TEXAS DEPARTMENT OF AGRICULTURE FOR A TEXAS CAPITOL FUND INFRASTRUCTURE GRANT – APPROVED - IN COOPERATION WITH ASPEN POWER, CONTINGENT UPON THE COMPANY'S SIGNING OF A SUITABLE HOLD HARMLESS AS DETERMINED BY CITY ATTORNEY BRUCE GREEN**

Mayor Jack Gorden stated that the next item for consideration was the application with the Texas Department of Agriculture for a Texas Capitol Fund Infrastructure Grant in cooperation with Aspen Power, contingent upon the company's signing of a suitable hold harmless as determined by City Attorney Bruce Green.

City Manager Paul Parker stated that Aspen Power was under construction of their new power plant. City Manager Parker added that one way the City could assist them would be to partner with Aspen Power to apply for a Texas Capital Fund Infrastructure Program Grant. City Manager Parker stated that Aspen Power may be eligible for approximately seven hundred fifty thousand dollars (\$750,000). City Manager Parker explained that the funds would be for a city dedicated right-of-way and road, that would be the front entry to the plant. City Manager Parker added that there would be a parking area on the exterior of the fenced plant area. City Manager Parker stated that the recommendation from the 4B Board and Staff was for the City Council to approve the City, in conjunction with Aspen Power, to submit a full application, and accept a Texas Capital Fund Infrastructure Program Grant for one million dollars (\$1,000,000). City Manager Parker added that if the Capital Fund approved the submission of the application, then a Hold Harmless Agreement between the

City and Aspen Power would be executed. City Manager Parker reiterated that Staff recommended that Council approve the application.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Robert Shankle moved to approve the application with the Texas Department of Agriculture for a Texas Capitol Fund Infrastructure Grant in cooperation with Aspen Power, contingent upon the company's signing of a suitable hold harmless as determined by City Attorney Bruce Green. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

**10. PURCHASE OF APPROXIMATELY 1.03 ACRES OF LAND, WITH FRONTAGE ON HWY 103 – APPROVED - FOR THE PURPOSE OF THE EXPEDITED DESIGN AND CONSTRUCTION OF THE MAIN ENTRANCE TO THE LUFKIN INDUSTRIAL RAIL PARK, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000)**

Mayor Jack Gorden stated that the next item for consideration was the purchase of approximately 1.03 acres of land, with frontage on Hwy 103 for the purpose of the expedited design and construction of the main entrance to the Lufkin Industrial Rail Park, in the amount of fifty thousand dollars (\$50,000).

City Manager Paul Parker stated that the Council had previously looked at this request. City Manager Parker added that it was the purchase of a house and a lot that was adjacent to other property that the City of Lufkin owned. City Manager Parker stated that the property would provide an entrance to the Industrial Rail Park. City Manager Parker explained that the property would be purchased from Mr. Allen Loggins, in the amount of fifty thousand dollars (\$50,000), with the stipulation that the house would be removed and the site would be cleaned for the City's usage. City Manager Parker added that by doing so, the City would be able to move the entry to a better location, and save approximately twenty-five thousand dollars (\$25,000) in drainage structures, fifteen thousand dollars (\$15,000) in head walls/retaining walls, and would save valuable construction time, because the City would no longer need to receive a Corp of Engineer permit. City Manager Parker stated that the City would recoup its money, have a better entry, and would be able to proceed with the project in a more expeditious way. City Manager Parker stated that Staff and the 4B Board both recommended that Council approve the purchase of the 1.03 acres located at 2807 Atkinson Drive, in the amount of fifty thousand dollars (\$50,000), with the stipulation that the seller removes all structures and debris from the site.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to approve the purchase of approximately 1.03 acres of land, with frontage on Hwy 103 for the purpose of the expedited design and construction of the main entrance to the Lufkin Industrial Rail Park, in the amount of fifty thousand dollars (\$50,000). Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

**11. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, DECLARING SUPPORT FOR THE LUFKIN PIONEER CROSSING – APPROVED - FOR AN 80 UNIT FAMILY DEVELOPMENT AT 1805 NORTH JOHN REDDITT DRIVE, LUFKIN, ANGELINA COUNTY, FOR A JOINT HOUSING TAX CREDIT AND HOME INVESTMENT PARTNERSHIP PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2010**

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 for an 80 unit family development at 1805 North John Redditt Drive, Lufkin, Angelina County, for a Joint Housing Tax Credit and Home Investment Partnership Program application to the Texas Department of Housing and Community Affairs for the year 2010.

City Manager Paul Parker stated that for the last few years the City had requests for support of housing in Lufkin. City Manager Parker stated that Mr. Noorallah Jooma had previously been before the Council, and had recently been successful on the Pioneer Crossing for Seniors at Gobblers Knob. City Manager Parker stated that Mr. Jooma was again coming to

the Council for a request of 4.69 acres of development, at 1805 North John Redditt Drive for an eighty (80) unit family development apartment complex. City Manager Parker stated that the property under consideration was zoned as "Commercial", and would therefore meet the requirements for apartment development. City Manager Parker added that the property to the west of the proposed location was zoned "Heavy Manufacturing", and was occupied by a foundry. City Manager Parker stated that south of the parcel was a small costume shop which was zoned "Commercial", and a vacant area of property that was zoned "Residential Large". City Manager Parker stated that north of the property the parcel was zoned "Commercial". City Manager Parker added that the area was designated on the Comprehensive Plan as "Heavy Industrial" use.

City Manager Parker stated that the request came to the City, and that he would like to refer the request to City Attorney Bruce Green. City Manager Parker explained that there were some concerns from a legal standpoint that City Attorney Green had on the status of the application. City Manager Parker then referred the request to City Attorney Green.

City Attorney Bruce Green stated that he had spoken with City Manager Parker earlier that afternoon, and indicated that he would like the opportunity to recommend to the Council that the Council table the matter, pending further legal review. City Attorney Green added that the Resolution did not have a number, had a number of "Whereas" clauses, and that formed the basis of the actual Resolution. City Attorney Green furthered that the City of Lufkin would be resolving that the City Council did hereby declare support of the application of Lufkin PC, LLC, to TDHCA to apply for this multi-family home program funds, and did hereby authorize Lufkin PC, LLC, to act on behalf of the City of Lufkin in its application. Attorney Green explained that in order for the City Council to be able to do that, it made a number of factual findings. City Attorney Green added that each one of the factual findings were identified in the "Whereas" clauses. City Attorney Green stated that the clauses all served as individual factual findings. City Attorney Green stated that the reason that he recommended that the Council consider tabling the matter, was that there was a lack of documentation for a number of the actual findings. City Attorney Green added that the first was, "Whereas Lufkin PC, LLC has proposed an affordable rental housing development..." City Attorney Green explained that normally, what the City would do in those kinds of circumstances where the Council was called upon to make a Resolution, would be to look for supporting documentation for the factual findings. City Attorney Green stated that the Council would have to make a finding that Lufkin PC, LLC, did in fact exist, as was it purported to be. City Attorney Green added that in this case it would be an incorporated entity. City Attorney Green stated that the information that the City received was that the Lufkin PC, LLC, had not yet been formed. City Attorney Green explained that the City had requested additional documents to indicate that it was indeed a corporation, upon information and belief that it had not actually been formed. City Attorney Green stated that there was also in the pre-application filing with the TDHCA the name of Lufkin PC, LP, which purported to be a different limited partnership. City Attorney Green explained that there was a question as to the actual corporate structure, and whether or not there was an incorporated entity. City Attorney Green stated that the City of Lufkin would have to find that indeed it was. City Attorney added that there was additionally a reference or finding that the Lufkin PC, LLC, agreed to hold the City of Lufkin harmless. City Attorney Green explained that in this instance the City did not have a signed agreement, and it might be directly related to the question of the corporate structure and entity. City Attorney Green stated that by not having these matters in the files, it made it difficult to recommend that the Council actually make factual findings indicating that. Attorney Green stated that his recommendation was that the City Council consider tabling the item to provide additional time to provide the documentation, clear up any concerns, and move ahead with the matter if the Council so chose.

Mayor Gorden asked for questions or comments from the Council.

There was discussion among the Mayor, Council, City Manager, City Attorney and Staff concerning the Resolution.

Councilmember Rufus Duncan moved to approve, as drafted, the Resolution declaring support for the Lufkin Pioneer Crossing eighty (80) unit family development at 1805 North John Redditt Drive, with the understanding that within two (2) weeks, Mr. Noorallah Jooma, principal in the development, will provide the necessary legal documentation to support each

of the Council's findings in the Resolution. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**12. APPOINTMENT – APPROVED - TO THE KURTH MEMORIAL LIBRARY BOARD OF TRUSTEES**

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

City Manager Paul Parker stated that recently Ms. Francine Tieperman resigned from the Kurth Memorial Library Board, and in accordance with the Library policy, recommendations were received from the Kurth Memorial Library Board of Trustees. City Manager Parker explained that the KML Board met and recommended that the Council appoint Ms. Kristi Gay to fulfill the remainder of Ms. Tieperman's term. City Manager Parker added that term expired on January 1, 2011. City Manager Parker stated that Ms. Gay's bio was listed in the Council's packets, and noted that Ms. Gay had served on the Library Board in the past, as well as the Partnership, along with several other boards in Lufkin. City Manager Parker stated that the KML Board and Staff were recommending that the Council fill the remainder of Ms. Tieperman's term with Ms. Kristi Gay.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to appoint Kristi Gay to the Kurth Memorial Library Board of Trustees. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

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

**14. 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 reminded everyone that Thursday, February 11, 2010 was Lufkin/Angelina County Day in Austin. Mayor Gorden also reminded everyone about the Arbor Day Celebration on Friday, February 5, 2010, at 9:00 a.m. at Brandon Elementary School.

15. There being no further business for consideration, the meeting adjourned at 6:36 p.m.

  
Renee Thompson – City Secretary

  
Jack Gorden, Mayor