

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 4TH DAY OF JANUARY, 2011

On the 4th day of January, 2011, 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
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
Danny Kistner	Fire Chief
Doug Wood	Finance Director
Dorothy Wilson	Planning Director
Steve Floyd	Public Works Director
Steve Poskey	Street Department, Superintendent
Barbara Thompson	Main Street Director
Jim Wehmeier	Economic Development Director
Dale Allred	Inspection Services Director
Chuck Walker	Public Utilities Director
Belinda Southern	Finance Manager
Ted Lovett	Fire Training Chief

being present, when the following business was transacted:

1. The meeting was opened with prayer by Father Jo, St. Andrew the Apostle Catholic Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of December 21, 2010 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING DESIGNATION ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, BEING 20.232 ACRES DESCRIBED AS LOT 1, BLOCK 1 OF THE SBRJ, INC. ADDITION, AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, being 20.232 acres described as Lot 1, Block 1

of the SBRJ, Inc. Addition, and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that Mark Hicks was requesting a zone change on what was commonly referred to as the Perco Building. City Manager Parker added that the Planning and Zoning Commission and City Staff recommended approval of the zone change from "Commercial" to a zoning classification of "Light Manufacturing" on the property. City Manager Parker stated that the property was located at 1514 West Frank Avenue, and that he would answer any questions that the Council had regarding the request.

Mayor Gorden opened the Public Hearing at 5:10 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 5:11 p.m.

Mayor Gorden asked for questions or comments from the Council. There were none.

Councilmember Lynn Torres moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, being 20.232 acres described as Lot 1, Block 1 of the SBRJ, Inc. Addition, and authorizing the City Planner to make such changes on the Official Map. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

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

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

City Manager Paul Parker stated that the proposed annexation had previously been before the Council for two (2) Public Hearings and authorization to go forth with a service plan. City Manager Parker added that the one (1.0) acre tract was located one thousand four hundred (1,400) feet south of U. S. Highway 69 South, and that the owner was requesting municipal services. City Manager Parker explained that the plan was to divide the property into three (3) "single family" lots.

Mayor Gorden asked for questions or comments from the Council. There were none.

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

6. **FIRST READING OF AN ORDINANCE PROHIBITING RACING AND EXHIBITIONS OF ACCELERATION WITHIN THE CITY OF LUFKIN, - TABLED - PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, DECLARING A PENALTY, AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance prohibiting racing and exhibitions of acceleration within the City of Lufkin, providing for repeal of conflicting Ordinances; providing for severability, declaring a penalty, and providing for an effective date.

City Manager Paul Parker stated that Staff was requesting that the Council table the item, because there had been questions brought up internally regarding the Ordinance. City Manager Parker added that Staff wanted the opportunity to bring the Ordinance back to the Council for consideration at a later date.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to table the First Reading of the Ordinance prohibiting racing and exhibitions of acceleration within the City of Lufkin, providing for repeal of conflicting Ordinances; providing for severability, declaring a penalty, and providing for an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

7. PUBLIC HEARING REGARDING THE VOLUNTARY ANNEXATION OF LAND APPROXIMATELY THREE HUNDRED THIRTY (330) FEET NORTHEAST OF THE INTERSECTION OF ATKINSON DRIVE/STATE HIGHWAY 103 AND MCHALE STREET/FM 842, CONSISTING OF 9.27 ACRES, AND BEING LOT 2 OF THE BUSINESS PARK EAST SUBDIVISION

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing regarding the voluntary annexation of land approximately three hundred thirty (330) feet northeast of the intersection of Atkinson Drive/State Highway 103 and McHale Street/FM 842, consisting of 9.27 acres, and being Lot 2 of the Business Park East Subdivision.

City Manager Paul Parker stated that the property being proposed for annexation was the property that was purchased through the 4B Corporation. City Manager Parker explained that the initial portion of the land that was not in the City was annexed after the City purchased the Industrial Park. City Manager Parker stated that an additional 9.27 acres was purchased at a later date and was outside of the City limits, and that Staff was requesting to annex that property so that it would conform to the rest of the Industrial Park.

Mayor Gorden opened the Public Hearing at 5:14 p.m. and asked anyone who wished to speak on the item to please step forward. There appearing to be no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:15 p.m.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Mayor and Staff regarding the future zoning of the property.

8. PURCHASE OF A NEW FIRE RESCUE VEHICLE IN THE AMOUNT OF FOUR HUNDRED EIGHTY THOUSAND SIX HUNDRED DOLLARS (\$480,600), FROM MARTIN APPARATUS, INC., THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, OR HGAC AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010/2011 OPERATING BUDGET (BUDGET AMENDMENT NO. 13), - TABLED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 2010 CAPITAL IMPROVEMENTS FUND AND THE EQUIPMENT ACQUISITION AND REPLACEMENT FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was to approve purchase of a new Fire Rescue Vehicle in the amount of four hundred eighty thousand six hundred dollars (\$480,600), from Martin Apparatus, Inc., through the Texas Local Government Purchasing Cooperative, or HGAC and a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 13), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund and the Equipment Acquisition and Replacement Fund; and providing an effective date.

City Manager Paul Parker stated that included in the Capital Improvements Bond Issue was a new heavy rescue truck. City Manager Parker added that Staff budgeted four hundred fifty thousand dollars (\$450,000) at that time for the replacement of the existing heavy duty rescue truck that had pumper capabilities. City Manager Parker explained that the proposed vehicle would assume multiple roles, including heavy and technical rescue, hazardous material response and air supply functions. City Manager Parker added that the new truck would replace the existing heavy rescue truck and the existing hazardous material response vehicle. City Manager Parker stated that Staff was proposing to combine the funding for the replacement of the heavy rescue truck, in the amount of four hundred fifty thousand dollars (\$450,000), with the funds for the hazmat special operation vehicle, in the amount of fifty thousand dollars (\$50,000), to purchase one (1) unit for four hundred eighty thousand six hundred dollars (\$480,600). City Manager Parker explained that the City would then have one heavy rescue truck that would have the capability to carry the heavy rescue equipment, as well as the hazmat equipment, supplies and air supply functions.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Mayor, Council, City Manager and Staff concerning the proposed purchase and the use of the heavier Fire Department vehicles on emergency runs. The Mayor, Council, City Manager and Chief Danny Kistner also discussed that the Council should hear the vision of the Fire Chief regarding the Fire Department and its future. City Manager Parker stated that Staff would set up a time for the Chief to meet with the Council to discuss his plans for the Fire Department.

Councilmember Rufus Duncan moved to table the purchase of a new Fire Rescue Vehicle in the amount of four hundred eighty thousand six hundred dollars (\$480,600), from Martin Apparatus, Inc., through the Texas Local Government Purchasing Cooperative, or HGAC and a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 13), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund and the Equipment Acquisition and Replacement Fund; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

9. BID TO DOUGHTIE CONSTRUCTION COMPANY IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED SIXTEEN THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS AND FIFTY CENTS (\$1,716,545.50) – APPROVED - FOR THE CONSTRUCTION OF THE LUFKIN BUSINESS PARK PROJECT PHASE III

Mayor Jack Gorden stated that the next item for consideration was a bid to Doughtie Construction Company in the amount of one million seven hundred sixteen thousand five hundred forty-five dollars and fifty cents (\$1,716,545.50) for the construction of the Lufkin Business Park Project Phase III.

City Manager Paul Parker stated that the Industrial Business Park Phase III included construction of a drainage basin and reconstruction of portions of Old Moffet Road. City Manager Parker added that the City received seven (7) bids for the project, and that Doughtie Construction Company was the apparent low bidder in the amount of one million seven hundred sixteen thousand five hundred forty-five dollars and fifty cents (\$1,716,545.50). City Manager Parker stated that the bid from Doughtie was considerably lower than the next lowest bid, and that there was a large gap between Doughtie's bid and the next higher bid. City Manager Parker explained that Staff was concerned that there might have been items that were missed in the bid specifications, so City Engineer Chuck Walker talked to the contractor and went through each item individually to make sure the bid quantities were correct and that the contractor had a thorough understanding of the bid. City Manager Parker added that Doughtie Construction Company assured Mr. Walker that they fully understood and stood by their bid. City Manager Parker stated that the references for Doughtie Construction Company were also checked, and that all references were good. City Manager Parker furthered that Staff felt that the City had gotten a good bid price and recommended that the City Council award the bid to Doughtie Construction Company for Phase III of the Industrial Park in the amount of one million seven hundred sixteen thousand five hundred forty-five dollars and fifty cents (\$1,716,545.50).

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to award the bid to Doughtie Construction Company in the amount of one million seven hundred sixteen thousand five hundred forty-five dollars and fifty cents (\$1,716,545.50) for the construction of the Lufkin Business Park Project Phase III. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

10. PROPOSAL FOR ENGINEERING AND CONSTRUCTION PHASE SERVICES FOR THE KIT MCCONNICO WASTEWATER TRUNK MAIN REPLACEMENT - APPROVED - TO HDR/CLAUNCH AND MILLER IN THE AMOUNT OF NINETY-TWO THOUSAND FOUR HUNDRED DOLLARS (\$92,400)

Mayor Jack Gorden stated that the next item for consideration was a proposal for Engineering and Construction Phase Services for the Kit McConnico Wastewater Trunk Main Replacement to HDR/Claunch and Miller in the amount of ninety-two thousand four hundred dollars (\$92,400).

City Manager Paul Parker stated that the Kit McConnico Wastewater Trunk Main Replacement was one (1) of the projects identified in the recent Bond Program. City Manager Parker added that Claunch and Miller had done the preliminary 2001 SSES Study for the sanitary sewer system at Kit McConnico lift station service area and had a working knowledge of the area. City Manager Parker stated that the proposal was in the amount of ninety-two thousand four hundred dollars (\$92,400) for the engineering cost for the design phase, bid phase, construction phases, reproduction costs, and included technical support and assistance for the trunk main rehabilitation. City Manager Parker stated that Staff recommended that the City Council award the contract to HDR/Claunch and Miller for the design bid and construction phases in the amount of ninety-two thousand four hundred dollars (\$92,400).

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Council and Staff regarding the total cost of engineering services in relation to the total cost of the project.

Councilmember Lynn Torres moved to approve the proposal for Engineering and Construction Phase Services for the Kit McConnico Wastewater Trunk Main Replacement to HDR/Claunch and Miller in the amount of ninety-two thousand four hundred dollars (\$92,400). Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

11. BID FOR THE COLUMBINE DRIVE STORM SEWER REHABILITATION TO PBS, LLC IN THE AMOUNT OF ONE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$139,500) AND AWARD THE BID FOR THE ALLENDALE STORM SEWER REHABILITATION TO INSITUFORM TECHNOLOGIES, INC. IN THE AMOUNT OF FORTY-NINE THOUSAND FOUR HUNDRED TEN DOLLARS (\$49,410) AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010/2011 OPERATING BUDGET (BUDGET AMENDMENT NO. 12), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 2010 CAPITAL IMPROVEMENTS FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a bid for the Columbine Drive Storm Sewer Rehabilitation to PBS, LLC in the amount of one hundred thirty-nine thousand five hundred dollars (\$139,500) and award the bid for the Allendale Storm Sewer Rehabilitation to Insituform Technologies, Inc. in the amount of forty-nine thousand four hundred ten dollars (\$49,410) and a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 12), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund; and providing an effective date.

City Manager Paul Parker stated that the Columbine Storm Sewer Rehabilitation was one (1) of the projects identified in the recent Bond Program. City Manager Parker added that Allendale was also identified, but was not funded at the time. City Manager Parker stated that the City had received a good bid on the original amount budgeted, which was one hundred seventy-nine thousand five hundred dollars (\$179,500). City Manager Parker

explained that the bid was in the amount of one hundred thirty-nine thousand five hundred dollars (\$139,500). City Manager Parker added that this left a balance in the amount of forty thousand dollars (\$40,000) in the original project. City Manager Parker stated that the total cost of Allendale was estimated to be approximately fifty thousand dollars (\$50,000), so Staff also solicited bids for that project. City Manager Parker added that the low bid was in the amount of forty-nine thousand four hundred ten dollars (\$49,410). City Manager Parker explained that Allendale was not initially funded by the Council, but could be by using part of the City's contingency reserve and the remainder of the funds left over from the Columbine Project, if the Council so desired. City Manager Parker then recommended that the City Council authorize the award of contract to PBS in the amount of one hundred thirty-nine thousand five hundred dollars (\$139,500), for the Columbine Storm Sewer Rehabilitation Project. City Manager Parker added that Staff further recommended that the Council authorize the Allendale Storm Sewer Rehabilitation Project, utilizing the forty thousand dollars (\$40,000) balance from the original budget for Columbine, and nine thousand four hundred ten dollars (\$9,410) from the contingency reserve fund, for a total cost of forty-nine thousand four hundred ten dollars (\$49,410) to be awarded to Insituform Technologies, Inc. City Manager Parker explained that both projects were bridge replacements where the joints were separating, causing failures and problems.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Council and Staff regarding the method that would be used for the cured-in-place pipe. There was also discussion regarding the bid prices and the cost for engineering services.

Councilmember Rufus Duncan moved to approve the bid for the Columbine Drive Storm Sewer Rehabilitation to PBS, LLC in the amount of one hundred thirty-nine thousand five hundred dollars (\$139,500) and award the bid for the Allendale Storm Sewer Rehabilitation to Insituform Technologies, Inc. in the amount of forty-nine thousand four hundred ten dollars (\$49,410) and a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 12), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

12. Mayor Jack Gorden recessed the Regular Session at 5:43 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 6:25 p.m.

13. **APPOINTMENT – APPROVED - TO THE ANGELINA COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**

Mayor Gorden stated that the next item for consideration was the appointment to the Angelina County Appraisal District Board of Directors.

Councilmember Lynn Torres stated that the Council should thank Councilmember Don Langston for serving on the Appraisal District Board, and for the great job that he did in that capacity. Councilmember Torres then moved to appoint Councilmember Rufus Duncan to the Angelina County Appraisal District Board of Directors. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

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.

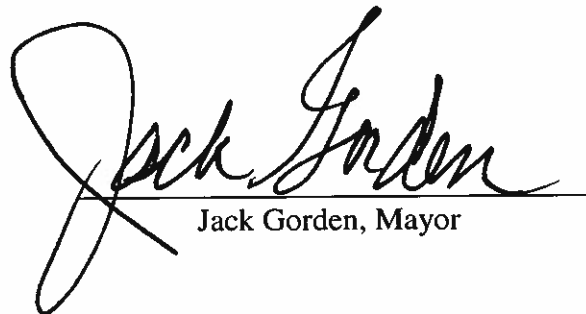
City Manager Parker stated that the Council had a letter on their desks inviting the Council to attend the Concerned Citizens of Lufkin 14th Annual Dr. Martin Luther King, Jr. Community Awards Banquet that was to be held on Sunday, January 16, 2011, at 6:00 p.m. at the HOPE Center of North Lufkin. City Manager Parker added that the City had traditionally bought a table for the banquet, and asked the Council to let City Secretary Renee Thompson know if they planned to attend. City Manager Parker stated that there would be a Building Committee Meeting on Thursday, January 6, 2011, at 2:30 p.m. at the Lufkin City Hall City Manager's Conference Room.

Councilmember Rufus Duncan commented on the report from Police Chief Scott Marcotte regarding the towing of vehicles in the City of Lufkin. There was some discussion regarding the towing of vehicles, due to the driver not having insurance on the vehicle.


City Manager Parker stated that Staff had been discussing having a Work Session at the end of some of the Council Meetings that would highlight a particular department in the City. City Manager Parker explained that the department head could then give the Council information concerning any new programs and future plans for their department. City Manager Parker requested the Council to begin thinking of topics, ideas and concerns for the future Work Sessions. City Manager Parker asked the Council to email him those ideas for future meetings. Councilmember Don Langston stated that the Council needed to be able to hear from Staff regarding their visions for their departments. City Manager Parker again requested the Council to send a list of their ideas, and that Staff would begin to schedule Work Sessions for the Council to be able to hear and address those ideas and concerns.

Councilmember Phil Medford stated that Fire Chief Danny Kistner gave a program for the Host Lions Club and did an excellent job. Councilmember Medford added that Chief Kistner was well organized, well spoken and presented an excellent program for the group. Councilmember Medford stated that Chief really represented the City of Lufkin well, and that it was "eye opening" regarding all of the different programs that Chief Kistner did have going. Councilmember Lynn Torres stated that Chief Kistner was also talking to the Lufkin ISD Administration about possibly starting a Fire Academy for high school students interested in becoming firefighters. Councilmember Torres added that Chief Kistner had volunteered some of his officers to go to the high school and teach. Councilmember Torres stated that there was no better place to start a recruitment program than at the high school level.

15. There being no further business for consideration, the meeting adjourned at 6:32 p.m.



Jack Gorden, Mayor



Renee Thompson – City Secretary