

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS HELD ON THE 1ST DAY OF FEBRUARY, 2011**

On the 1st day of February, 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
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
Dorothy Wilson	Planning Director
Barbara Thompson	Main Street Director
Jim Wehmeier	Economic Development Director
Chuck Walker	Public Utilities Director
Belinda Southern	Finance Manager
Robbin Crawford	Senior Accountant
David Collier	Oncor

being present, and

Lynn Torres	Councilmember, Ward No. 3
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being absent, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Elton Musick, Grace Baptist Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Special Called Meeting of January 12, 2011, and the Regular Meeting of January 18, 2011, were approved on a motion by Councilmember Phil Medford, and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

TABLED BUSINESS:

4. **FIRST READING OF AN ORDINANCE PROHIBITING RACING, EXHIBITIONS OF ACCELERATION, AND UNSAFE MOTOR VEHICLE EXHIBITIONS WITHIN THE CITY OF LUFKIN, - APPROVED - 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, exhibitions of acceleration, and unsafe motor vehicle exhibitions 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 City Staff had previously asked the Council to table the Ordinance so that some details could be worked out. City Manager Parker explained that the Ordinance prohibited exhibition of acceleration. City Manager Parker furthered that the term was commonly used to describe a motorist who would spin their tires while revving their motor with the brake on. City Manager Parker added that the act was previously covered under State Law as a Class "C" misdemeanor.

City Manager Parker stated that in 2003, the State Legislature changed the language of the law to make the act, along with racing, a Class "B" misdemeanor. City Manager Parker explained that at that time there had been a large number of accidents and deaths due to road racing. City Manager Parker added that it currently made it more difficult to get a Class "B" misdemeanor whenever racing was not involved, and that the offense was more minor in nature, such as spinning tires and revving up a motor. City Manager Parker stated that the Police Department worked with the legal counsel to develop an Ordinance, that many cities had adopted since the 2003 State Law was enacted. City Manager Parker added that the Ordinance before the Council would make exhibition of acceleration a Class "C" misdemeanor in the City of Lufkin. City Manager Parker stated that Staff recommended that the City Council approve the Ordinance creating a violation for exhibition of acceleration as a Class "C" misdemeanor.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the City Council, City Staff, Mayor, and City Attorney regarding the Ordinance and the enforcement of the violation.

Councilmember Rufus Duncan moved to approve the First Reading of the Ordinance prohibiting racing, exhibitions of acceleration, and unsafe motor vehicle exhibitions within the City of Lufkin, providing for repeal of conflicting Ordinances; providing for severability, declaring a penalty, and providing for an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. **ANNOUNCEMENT THAT THE LUFKIN CITY COUNCIL WOULD CHANGE ITS REGULAR MEETINGS FOR THE MONTH OF MARCH 2011 FROM TUESDAY, MARCH 1, 2011 TO TUESDAY, MARCH 8, 2011 AND FROM TUESDAY, MARCH 15, 2011 TO TUESDAY, MARCH 22, 2011. THE MEETINGS WOULD BE HELD AT 5:00 P.M. IN THE LUFKIN CITY HALL, ROOM 102 LOCATED AT 300 EAST SHEPHERD STREET, LUFKIN, TEXAS**

Mayor Jack Gorden then announced that the Lufkin City Council would change its Regular Meetings for the month of March 2011 from Tuesday, March 1, 2011 to Tuesday, March 8, 2011 and from Tuesday, March 15, 2011 to Tuesday, March 22, 2011. Mayor Gorden added that the meetings would be held at 5:00 p.m. in the Lufkin City Hall, Room 102 located at 300 East Shepherd Street, Lufkin, Texas.

City Manager Paul Parker stated that the upcoming Spring Break and conflicts with several people's schedules were the reasons for changing the dates of the Council Meetings. City Manager Parker added that the City wanted to publicly make note of the changes, and also to be able to allow the Planning and Zoning Staff plenty of time to make the changes on the dates of the Planning and Zoning Commission Meetings.

6. **MEET AND CONFER AGREEMENT – APPROVED - BETWEEN THE CITY OF LUFKIN AND THE LUFKIN POLICE ASSOCIATION**

Mayor Jack Gorden stated that the next item for consideration was approval of a Meet and Confer Agreement between the City of Lufkin and the Lufkin Police Association.

City Manager Paul Parker stated that in November of 2008, the Lufkin Police Association requested the City Council to designate them as the sole bargaining agent for the Officers of the Lufkin Police Department, in regard to "Meet and Confer" regulations. City Manager Parker added that "Meet and Confer" regulations allowed the Police Association to meet with City Staff in a formal atmosphere to discuss programs, salaries, and other mutual benefits that might help with the operation of the Police Department.

City Manager Parker stated that the City of Lufkin had previously entered into an agreement with the Lufkin Police Association, and that the Association had requested the City to do so again. City Manager Parker added that the last time the City entered into the agreement was in November 2009. City Manager Parker stated that the "Meet and Confer" Agreement before the Council outlined all of the regulations and benefits that were currently in place, and did not obligate the City Council to any additional programs, funding or anything of that nature. City Manager Parker added that the Agreement continued for an additional year the working relationship that the City had with the Lufkin Police Association.

City Manager Parker stated that the City of Lufkin continued to have a good working relationship with the Lufkin Police Association, and that Staff recommended that the City of Lufkin again enter into a formal "Meet and Confer" Agreement with the Lufkin Police Association.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Mayor, City Manager, and Council regarding the "Meet and Confer" Agreement with the Lufkin Police Association.

Councilmember Phil Medford moved to approve the Meet and Confer Agreement between the City of Lufkin and the Lufkin Police Association. Councilmember Rufus Duncan seconded the motion. The following vote was recorded:

Aye: Mayor Jack Gorden, Council Members Phil Medford, Robert Shankle, Victor Travis and Rufus Duncan

Nay: Council Member Don Langston

The motion carried with five (5) affirmative votes.

7. 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 TWO (2) POLLING PLACES IN LUFKIN, TEXAS ON MAY 14, 2011, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M. FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR WARD 5, AND COUNCILMEMBER FOR WARD 6, 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 two (2) polling places in Lufkin, Texas on May 14, 2011, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing a Councilmember for Ward 5, and Councilmember for Ward 6, for three (3) year terms, and providing for the necessary notices and fixing the date.

City Manager Paul Parker stated that there was nothing to add, other than the Ordinance was to call and order the election.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford 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 two (2) polling places in Lufkin, Texas on May 14, 2011, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing a Councilmember for Ward 5, and Councilmember for Ward 6, for three (3) year terms, and providing for the necessary notices and fixing the date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

8. RESOLUTION BY THE CITY OF LUFKIN, TEXAS ("CITY), SUSPENDING THE EFFECTIVE DATE FOR NINETY (90) DAYS IN CONNECTION WITH THE RATE INCREASE FILING OF ONCOR ELECTRIC DELIVERY COMPANY LLC ON JANUARY 7, 2011; - APPROVED - FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND

PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution by the City of Lufkin, Texas ("City), suspending the effective date for ninety (90) days in connection with the Rate Increase Filing of Oncor Electric Delivery Company LLC on January 7, 2011; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

City Manager Paul Parker stated that at the last City Council Meeting David Collier explained Oncor's intention to file for a rate increase. City Manager Parker added that traditionally the City of Lufkin had joined with several other cities in an alliance that requested that the rates be reviewed by an outside attorney that was employed by the alliance. City Manager Parker stated that the cost of the experts and attorneys could be born through the electrical company's rate process, and therefore would not affect the City individually. City Manager Parker stated that Staff asked the Council to take the first step, which was to suspend the effective date, which allowed ninety (90) days to give additional time for research, and for the experts to begin reviewing the request. City Manager Parker explained that at the end of the ninety (90) day suspension, Staff fully intended to come back to the Council with a request to deny the rate increase and go forth with action at the Public Utility Commission. City Manager Parker stated that the last time the City of Lufkin took this action the City was successful in having the rates reduced. City Manager Parker added that there might be justifications for some of the increases, but whether all of the requests were justified was unclear. City Manager Parker explained that the experts would try to determine what was justified and would make their cases before the Public Utility Commission. City Manager Parker stated that Staff was requesting that the Council suspend the rates for ninety (90) days, and that the City of Lufkin would join the Alliance and once again challenge any part of the rates that were determined not to be justifiable.

Mayor Gorden asked for questions or comments from the Council. Mayor Gorden pointed out that David Collier, Regional Manager for Oncor, was present at the meeting and that it was always good to have Mr. Collier at the Council Meetings.

Councilmember Don Langston moved to approve the Resolution by the City of Lufkin, Texas ("City), suspending the effective date for ninety (90) days in connection with the Rate Increase Filing of Oncor Electric Delivery Company LLC on January 7, 2011; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

9. RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES – APPROVED - FOR THE CITY OF LUFKIN TO THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL)

Mayor Jack Gorden stated that the next item for consideration was a Resolution amending the authorized representatives for the City of Lufkin to the Texas Local Government Investment Pool (TexPool).

City Manager Paul Parker stated that Friday, February 4, 2011, would be the last day with the City of Lufkin for Finance Director Doug Wood. City Manager Parker added that because of the departure of Mr. Wood, the City needed an additional person on the authorization list. City Manager Parker explained that Robbin Crawford worked in the Finance Department with Belinda Southern to handle some of the fund transfers. City Manager Parker furthered that the explanation for both items nine (9) and ten (10) were the same. City Manager Parker explained that TexPool and TexSTAR were overnight pools where the City invested funds. City Manager Parker then recommended that the Council add Robbin Crawford to the list of authorized representatives to transfer and move funds, and to remove Doug Wood from both pools. Mayor Gorden pointed out that the Finance Committee had recently discussed the action and recommended that Ms. Crawford be added to the list.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the Resolution amending the authorized representatives for the City of Lufkin to the Texas Local Government Investment Pool (TexPool). Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

10. RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVE – APPROVED - FOR THE CITY OF LUFKIN TO THE TEXSTAR SHORT TERM ASSET RESERVE FUND.

Mayor Jack Gorden stated that the next item for consideration was a Resolution amending the authorized representative for the City of Lufkin to the TexSTAR Short Term Asset Reserve Fund. Mayor Gorden added that the Resolution was to take care of the same action as was done in the previous item on the agenda.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Robert Shankle moved to approve the Resolution amending the authorized representative for the City of Lufkin to the TexSTAR Short Term Asset Reserve Fund. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

11. PURCHASE OF A 2011 PETERBILT WITH A HEIL BODY FOR THE SOLID WASTE DEPARTMENT – APPROVED - IN THE AMOUNT OF TWO HUNDRED FOURTEEN THOUSAND SIX HUNDRED THIRTY-FOUR DOLLARS (\$214,634) TO RUSH PETERBILT THROUGH HGAC

Mayor Jack Gorden stated that the next item for consideration was the purchase of a 2011 Peterbilt with a Heil body for the Solid Waste Department in the amount of two hundred fourteen thousand six hundred thirty-four dollars (\$214,634) to Rush Peterbilt through HGAC.

City Manager Paul Parker stated that in the Fiscal Year 2009 Amortization Schedule, the replacement of a 2003 Volvo front load Solid Waste collection vehicle was budgeted. City Manager Parker explained that at that time Public Works Director Steve Floyd reviewed and modified the routes and the unit became a backup unit, and stretched the life of the vehicle for another two (2) years. City Manager Parker added that the vehicle had over one hundred twenty-five thousand (125,000) miles on it, and that Staff recommended that the vehicle be replaced and that one (1) of the other units would be taken out of the rotation and be made the backup unit. City Manager Parker stated that the vehicle would be sold at auction. City Manager Parker explained that this followed the pattern of vehicles that the City currently had, which was a Peterbilt chassis with a Heil body. City Manager Parker added that this combination worked really well in the Solid Waste area, and that Staff recommended that the Council approve the purchase in the amount of two hundred fourteen thousand six hundred thirty-four dollars (\$214,634) through HGAC and Rush Peterbilt.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Council and City Manager regarding the purchase.

Councilmember Victor Travis moved to approve the purchase of a 2011 Peterbilt with a Heil body for the Solid Waste Department in the amount of two hundred fourteen thousand six hundred thirty-four dollars (\$214,634) to Rush Peterbilt through HGAC. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

12. RELEASE OF LIEN ON FINANCED EQUIPMENT TO INNOVATIVE METAL COMPONENTS, INC. – APPROVED - FROM THE 4B LUFKIN ECONOMIC DEVELOPMENT CORPORATION

Mayor Jack Gorden stated that the next item for consideration was the release of lien on financed equipment to Innovative Metal Components, Inc. from the 4B Lufkin Economic Development Corporation.

Councilmember Don Langston asked to be recused from discussion and voting on the item. Mayor Gorden requested that this be duly noted by City Secretary Renee Thompson.

City Manager Paul Parker stated that the 4B Economic Development Board did not meet regarding the request, but that Economic Development Director Jim Wehmeier emailed the information to the Board, and that they were in full knowledge and in support of the request. City Manager Parker stated that the reason that the 4B Board did not meet was the timeliness of the transaction. City Manager Parker stated that whenever the City of Lufkin first entered into the Agreement with Innovative Metal Components, Inc. (IMC) it was assumed, and that all of the City's documents indicated, that because they were on a ten (10) year lease/purchase arrangement that the City of Lufkin would be first lien holder on all property and the building. City Manager Parker added that by State Law, and because the City was the owner of the property until the property was paid off, the City would also have first lien right on any equipment placed on the property. City Manager Parker explained that IMC had some specialized equipment to be purchased, and that the financier wanted first lien position. City Manager Parker added that the City understood that view and that it was deserved. City Manager Parker stated that it wasn't the intent of the City of Lufkin to deny that privilege. City Manager Parker added that this action would allow the City Council to release the City's position as first lien holder on only the specialized equipment. City Manager Parker reiterated that the City would still have first lien on the property and the building. City Manager Parker stated that Staff recommended that the Council approve the Resolution that would allow the financial institution to become the first lien holder on the specialized equipment in the loan.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve to release lien on financed equipment to Innovative Metal Components, Inc. from the 4B Lufkin Economic Development Corporation. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

13. AWARD OF BID TO COX CONTRACTORS, INC. – APPROVED - IN THE AMOUNT OF ONE MILLION THREE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED THIRTY-EIGHT DOLLARS AND SIXTY-SIX CENTS (\$1,392,338.66) FOR THE SAYERS STREET/ LAKEVIEW STREET RECONSTRUCTION

Mayor Jack Gorden stated that the next item for consideration was the awarding of a bid to Cox Contractors, Inc. in the amount of one million three hundred ninety-two thousand three hundred thirty-eight dollars and sixty-six cents (\$1,392,338.66) for the Sayers Street/ Lakeview Street reconstruction.

City Manager Paul Parker stated that one (1) of the items in the 2010 Capital Improvement Program Bond Issue was the reconstruction of Sayers Street and Lakeview Street. City Manager Parker added that new water and sewer lines would be installed, along with new storm sewer, curb and gutter and new pavement on the entire stretch of street. City Manager Parker stated that the low bid for the project was from Cox Contractors, Inc., in the amount of one million three hundred ninety-two thousand three hundred thirty-eight dollars and sixty-six cents (\$1,392,338.66). City Manager Parker added that even though the amount was below the one million seven hundred fifty-seven thousand four hundred ninety dollar (\$1,750,490) initial contract, there was approximately three hundred twenty-five thousand dollars (\$325,000) worth of asphalt that still needed to be purchased. City Manager Parker stated that this left approximately thirty-six thousand dollars (\$36,000) under the original budget, which was a very small contingency on a project of that nature. City Manager Parker added that the project would be very close to budget or could possibly exceed the budget. City Manager Parker stated that there were some savings in other areas, so Staff felt that the City was well off in the budget process. City Manager Parker stated that by looking at the number of bids that were received and the close proximity of those bids, that the City received a very good bid for the project. City Manager Parker stated that Staff recommended that the Council award the bid to Cox Contractors, Inc. in the amount of one million three hundred ninety-two thousand three hundred thirty-eight dollars and sixty-six cents (\$1,392,338.66) for the reconstruction of Sayers Street and Lakeview Street.

Mayor Gorden asked for questions or comments from the Council. There was some discussion among the Council and City Manager regarding the project.

Councilmember Victor Travis moved to award a bid to Cox Contractors, Inc. in the amount of one million three hundred ninety-two thousand three hundred thirty-eight dollars and sixty-six cents (\$1,392,338.66) for the Sayers Street/ Lakeview Street reconstruction. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

14. Mayor Jack Gorden recessed the Regular Session at 5:40 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 6:34 p.m.

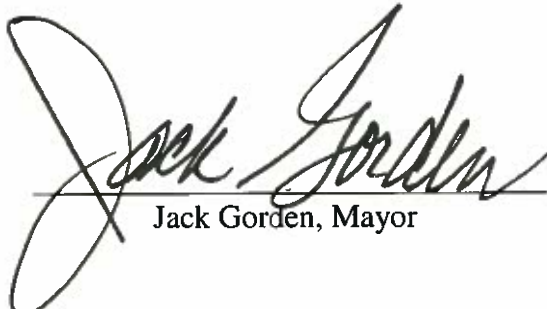
15. **DISCUSSION OF ITEMS OF COMMUNITY INTEREST, INCLUDING EXPRESSIONS OF THANKS, CONGRATULATIONS OR CONDOLENCE; INFORMATION REGARDING HOLIDAY SCHEDULES; HONORARY RECOGNITIONS OF CITY OFFICIALS, EMPLOYEES OR OTHER CITIZENS; REMINDERS ABOUT UPCOMING EVENTS SPONSORED BY THE CITY OR OTHER ENTITY THAT IS 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 Paul Parker reminded the Council that the First Friday Luncheon would be held on Friday, February 4, 2011, at Crown Colony, and that Mayor Jack Gorden and Judge Wes Suiter would be the guest speakers. City Manager Parker added that the Mayor and Judge would be giving the "State of the City" and "State of the County" Address at the luncheon and encouraged everyone to attend. City Manager Parker also reminded the Council that the Lufkin/Angelina County Day in Austin would be on February 10, 2011. City Manager Parker added that the Reception would be held at the Sheraton Austin Hotel on February 10, 2011, at 5:30 p.m. City Manager Parker stated that City Secretary Renee Thompson had made reservations for the Council at the Sheraton Hotel. City Manager Parker then reminded the Council that the Arbor Day Celebration would be held on Friday, February 4, 2011, at the Dunbar Primary School at 9:00 a.m.

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


Renee Thompson – City Secretary


Jack Gorden, Mayor