

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 4TH DAY OF MAY, 2010**

On the 4th day of May, 2010, 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
Danny Kistner	Fire Chief
Steve Floyd	Public Works Director
Jim Wehmeier	Economic Development Director
Sid Munlin	IT Director

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor David Hunt, Eastview United Pentecostal Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of April 20, 2010 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. **RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 19), - 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 Resolution declaring expectation to reimburse expenditures with proceeds of future debt and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 19), 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 April 7, 2010 Budget Retreat, Council discussed the potential of a bond issue to continue the reconstruction of some of the City's infrastructure. City Manager Parker added that there were a lot of the needs in the Fire Department, including Fire Stations One (1) and Three (3) and a couple of fire trucks. City Manager Parker stated that there was a list before the Council, and that the total anticipated price of the bond issue was approximately eight million one hundred twenty-five thousand dollars (\$8,125,000), which included the closing costs. City Manager Parker stated that the Council

looked at a method of how to continue to address the City's infrastructure needs, but at the same time not increase the tax dollars for the citizens. City Manager Parker explained that the City had been able to look at a method to do the bond program, and still look at reducing the debt portion of the tax rate from 20.22 cents to 18.00 cents. City Manager Parker stated that the City was discussing doing the program with a tax decrease, even though the City's operating funds were currently short. City Manager Parker added that there had even been an additional shortage in the electrical franchise fees. City Manager Parker explained that the City would more than likely be between one million six hundred thousand dollars (\$1,600,000) to two million dollars (\$2,000,000) down on the operating side. City Manager Parker stated that the City should still be able to manage the budget without an increase in the operations side, due to the Fund Reserve.

City Manager Parker stated that in order to begin the design of projects, purchase required land and order the fire apparatus, Staff recommended that the Council approve a Resolution that would allow Staff to expend funds and be reimbursed, once the bonds were issued. City Manager Parker added that he would caution the Council that should the Council not decide to issue debt in October 2010, the funds would then be expended, which were authorized through the Resolution, and would then have to be transferred from the existing fund balance.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the Resolution declaring expectation to reimburse expenditures with proceeds of future debt and the Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 19), providing for the supplemental appropriation of funds in the 2010 Capital Improvements Fund; and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

5. BID FROM RED SUSPENDERS TIMBER FRAMES FOR THE REPAIR OF THE PAVILION AND TRUSSES – APPROVED - IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND NINE HUNDRED TWENTY-FIVE DOLLARS (\$150,925)

Mayor Jack Gorden stated that the next item for consideration was a bid from Red Suspenders Timber Frames for the repair of the pavilion and trusses in the amount of one hundred fifty thousand nine hundred twenty-five dollars (\$150,925).

City Manager Paul Parker stated that the next three (3) items were related, because they were all related to the storm damage that occurred on December 23, 2009, when a tornado hit the City of Lufkin, including Kit McConnico Park. City Manager Parker stated that the first item included in the repair was the pavilion area, which was a specialty designed item constructed from heavy trusses. City Manager Parker explained that Red Suspenders Timber Frames built the initial trusses, and because it was a single source, the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) representative authorized and approved the single source bid in the amount of one hundred fifty thousand nine hundred twenty-five dollars (\$150,925) for the construction of the new trusses for the repair of the pavilion. City Manager Parker added that Staff recommended that Council approve and authorize the bid to Red Suspenders Timber Frames out of Nacogdoches, Texas, in the amount of one hundred fifty thousand nine hundred twenty-five dollars (\$150,925).

Mayor Gorden asked for questions or comments from the Council. There was discussion concerning the repairs at Kit McConnico Park.

Councilmember Lynn Torres moved to approve the bid from Red Suspenders Timber Frames for the repair of the pavilion and trusses in the amount of one hundred fifty thousand nine hundred twenty-five dollars (\$150,925). Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

6. BID FROM QUESTAR CONSTRUCTION, L. P. FOR THE REPAIR OF THE NEW RESTROOM, CONCESSION AND COACHES BUILDING AT THE NEW SOFTBALL FIELDS AT KIT MCCONNICO PARK – APPROVED - IN THE AMOUNT OF SIXTY-SIX THOUSAND THREE HUNDRED EIGHTY-FOUR DOLLARS (\$66,384)

Mayor Jack Gorden stated that the next item for consideration was a bid from Questar Construction, L. P. for the repair of the new restroom, concession and coaches building at the new softball fields at Kit McConnico Park in the amount of sixty-six thousand three hundred eighty-four dollars (\$66,384).

City Manager Paul Parker stated that this repair was on the same facility as the one (1) mentioned in item number five (5). City Manager Parker added that the repairs included a pavilion, concession and coaches building, which were all connected to the pavilion. City Manager Parker stated that Questar would do all of the other work that was not related to the trusses to complete the repairs of the structure. City Manager Parker stated that the cost of the repairs was in the amount of sixty-one thousand eight hundred eighty-four dollars (\$61,884) for the concession, restroom and coaches building, and an additional four thousand five hundred dollars (\$4500) for the electrical work associated with these repairs. City Manager Parker added that the total award of bid to Questar was in the amount of sixty-six thousand three hundred eighty-four dollars (\$66,384), and that Staff recommended approval and authorization to go forth with the award of contract to Questar Construction, L. P. City Manager Parker stated that the TML Risk Pool had also signed off on this repair and bid.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the bid from Questar Construction, L. P. for the repair of the new restroom, concession and coaches building at the new softball fields at Kit McConnico Park in the amount of sixty-six thousand three hundred eighty-four dollars (\$66,384). Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

7. BID FROM QUESTAR CONSTRUCTION, L. P. FOR THE CONSTRUCTION OF A NEW RESTROOM IN THE OLD RESTROOM AND CONCESSION AREA AT THE OLD SOFTBALL FIELDS AT KIT MCCONNICO PARK IN THE AMOUNT OF ONE HUNDRED ONE THOUSAND ONE HUNDRED TWENTY-TWO DOLLARS AND EIGHTY-FIVE CENTS (\$101,122.85) AND APPROVAL OF FUNDING FROM THE INSURANCE LOSS FUND – APPROVED - IN THE AMOUNT OF SIX THOUSAND SEVEN HUNDRED FORTY DOLLARS AND TWENTY-EIGHT CENTS (\$6,740.28) FOR THE UNFUNDED DIFFERENCE

Mayor Jack Gorden stated that the next item for consideration was a bid from Questar Construction, L. P. for the construction of a new restroom in the old restroom and concession area at the old softball fields at Kit McConnico Park in the amount of one hundred one thousand one hundred twenty-two dollars and eighty-five cents (\$101,122.85) and approval of funding from the Insurance Loss Fund in the amount of six thousand seven hundred forty dollars and twenty-eight cents (\$6,740.28) for the unfunded difference.

City Manager Paul Parker stated that the City of Lufkin had an old concession/restroom facility at Kit McConnico Park that was a 1972 hadite block building. City Manager Parker added that the facility was in relatively poor condition and was demolished by the tornado. City Manager Parker stated that the City worked with the Risk Pool and established a value of the facility at ninety-four thousand three hundred eighty-two dollars and fifty-seven cents (\$94,382.57). City Manager Parker added that the City reached an agreement with the Risk Pool to design more storage and restroom facilities. City Manager Parker stated that the building was patterned after the new restrooms at Morris Frank Park, along with some storage area. City Manager Parker added that this project was bid and that the Risk Pool authorized up to ninety-four thousand three hundred eighty-two dollars and fifty-seven cents (\$94,382.57), which would require an additional six thousand seven hundred forty dollars and twenty-eight cents (\$6,740.28). City Manager Parker explained that this would be funded from the Insurance Loss Fund that was available for these types of incidents. City Manager Parker concluded that Staff recommended a total budget of one hundred one thousand one hundred twenty-two dollars and eighty-five cents (\$101,122.85) for the construction of the new restrooms and storage facility at Kit McConnico Park.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to approve the bid from Questar Construction, L. P. for the construction of a new restroom in the old restroom and concession area at the old softball fields at Kit McConnico Park in the amount of one hundred one thousand one hundred

twenty-two dollars and eighty-five cents (\$101,122.85) and approval of funding from the Insurance Loss Fund in the amount of six thousand seven hundred forty dollars and twenty-eight cents (\$6,740.28) for the unfunded difference. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

8. PUBLIC HEARING AND A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE VIOLENCE AGAINST WOMEN ACT EQUIPMENT GRANT ADMINISTERED BY THE OFFICE OF THE GOVERNOR- CRIMINAL JUSTICE DIVISION OF TEXAS AND THE DEEP EAST TEXAS COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$6000; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF LUFKIN IN ALL MATTERS RELATED TO THE GRANT; AND PLEDGING THAT THE CITY OF LUFKIN WILL COMPLY WITH ALL GRANT REQUIREMENTS, AND CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 20), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and a Resolution authorizing the acceptance of the Violence Against Women Act Equipment Grant administered by the Office of the Governor- Criminal Justice Division of Texas and the Deep East Texas Council of Governments in the amount of \$6000; authorizing the City Manager to act on behalf of the City of Lufkin in all matters related to the grant; and pledging that the City of Lufkin will comply with all grant requirements, and consider a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 20), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that this project was a six thousand dollar (\$6,000) grant. City Manager Parker added that Staff came to the City Council to ask the Council's authorization to apply for the grant. City Manager Parker stated that the grant was awarded to the City of Lufkin, and would buy cameras for the officers and detectives to use in domestic violence crimes. City Manager Parker added that the documentation would assist in solving many of the crimes and would backup the claims from the officers.

Mayor Gorden then opened the Public Hearing 5:17 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 5:18 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to approve the Resolution authorizing the acceptance of the Violence Against Women Act Equipment Grant administered by the Office of the Governor- Criminal Justice Division of Texas and the Deep East Texas Council of Governments in the amount of \$6000; authorizing the City Manager to act on behalf of the City of Lufkin in all matters related to the grant; and pledging that the City of Lufkin will comply with all grant requirements, and consider a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 20), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

9. PROPOSAL FOR AN INFORMATION TECHNOLOGY SENIOR VIDEO PRODUCTION SPECIALIST AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 21), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a proposal for an Information Technology Senior Video Production Specialist and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 21), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that Staff had planned to discuss this position in next year's budget, but unfortunately Bill Cameron needed to set a departure date of July 1, 2010 for his services with the City as the Webmaster and videographer. City Manager Parker added that his duties were very extensive in the operation of Channel 15. City Manager Parker stated that he didn't know where the City of Lufkin would be if it hadn't been for Mr. Cameron. City Manager Parker added that Mr. Cameron had been instrumental in many programs for the City, including Channel 15, the City's web page, and initially the Director of the Information Technology Department. City Manager Parker stated that Mr. Cameron would be missed, but would be available to the City as a consultant. City Manager Parker added that Mr. Cameron's separation with the City was very amicable, and that Mr. Cameron was leaving to retire and enjoy life. City Manager Parker stated that the Webmaster portion of Mr. Cameron's duties would be absorbed "in house" by Ted Perryman, but that the videographer portion of his duties needed to be filled with a full time position. City Manager Parker stated that there was approximately seventy thousand to seventy-five thousand dollars (\$70,000-\$75,000) currently budgeted for the position. City Manager Parker added that the City still hoped to use Mr. Cameron for some consulting work during the current year, and also hoped to fill the position so that the individual could be trained by Mr. Cameron for a month before he retired. City Manager Parker explained that the intent was also to cross train positions of the Webmaster and the Videographer to allow these individuals to be back up for each other's major area of responsibility. City Manager Parker added that fortunately the City also had IT Director Sid Munlin who could work both areas, if needed. City Manager Parker stated that Mr. Munlin's duties were currently very extensive, and that the City didn't need to overload him with another duty, unless needed. City Manager Parker stated that Staff recommended that the Council authorize Staff to advertise and hire the position at the same rate as the other technician's in the IT Department, which was fifty-two thousand nine hundred forty-four dollars (\$52,944) annually. City Manager Parker explained that the position would be offset in next year's budget by the Special Services Account.

Mayor Gorden stated that Mr. Cameron had moved the City of Lufkin into the Twenty-First Century by creating the award winning website, videos, and the City's Cable Channel.

Councilmember Lynn Torres stated that it was always a sign of a great man whenever it took more than one (1) person to replace them.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Robert Shankle moved to approve the proposal for an Information Technology Senior Video Production Specialist and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 21), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. ASSIGNMENT OF THE CITY OF LUFKIN'S PHOTO ENFORCEMENT AGREEMENT – APPROVED - FROM TRAFFIPAX TO AMERICAN TRAFFIC SOLUTIONS, INC., EFFECTIVE ON MAY 1, 2010

Mayor Jack Gorden stated that the next item for consideration was the assignment of the City of Lufkin's Photo Enforcement Agreement from Traffipax to American Traffic Solutions, Inc., effective on May 1, 2010.

City Manager Paul Parker stated that American Traffic Solutions was purchasing the Traffipax contracts. City Manager Parker added that the City of Lufkin may have been the only Traffipax in Texas. City Manager Parker stated that Staff met with the staff of American Traffic Solutions, Inc. and that they had agreed to accept the contract in total. City Manager Parker added that the City of Lufkin Staff agreed to the conditions also. City Manager Parker explained that this was simply the assignment of the existing contract to a new vendor. City Manager Parker added that in the future American Traffic Solutions indicated that their desire was to come in and replace the current equipment with better technology, and that the City would more than likely see some improvements. City Manager Parker stated that the City may even look at additional sites to bring back to the Council. City Manager Parker added that Staff had looked at several additional sites in the past, but Traffipax had never pursued that any further. City Manager Parker stated this was simply

the assignment of Traffipax to American Traffic Solutions, Inc., and that Staff requested the Council's approval.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the assignment of the City of Lufkin's Photo Enforcement Agreement from Traffipax to American Traffic Solutions, Inc., effective on May 1, 2010. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

11. Mayor Jack Gorden recessed the Regular Session at 5:27 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 5:47 p.m.

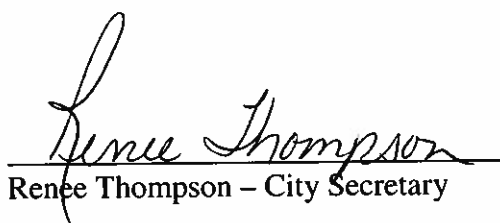
12. **DISCUSSION OF ITEMS OF COMMUNITY INTEREST, INCLUDING EXPRESSIONS OF THANKS, CONGRATULATIONS OR CONDOLENCE; INFORMATION REGARDING HOLIDAY SCHEDULES; HONORARY RECOGNITIONS OF CITY OFFICIALS, EMPLOYEES OR OTHER CITIZENS; REMINDERS ABOUT UPCOMING EVENTS SPONSORED BY THE CITY OR OTHER ENTITY THAT IS 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.

Mayor Gorden reminded the Council that First Friday would be held on Friday, May 7, 2010 at 12:00 noon at Crown Colony, and that the National Day of Prayer would be held on Thursday, May 6, 2010 at 12:00 noon in the Lufkin City Hall Atrium, and encouraged everyone to attend.

City Manager Parker stated that the ribbon cutting for the US Hwy 59 Project would be held at 9:30 a.m. on Thursday, May 6, 2010 at the Tulane Bridge. City Manager Parker then reminded the Council of the upcoming Expo Party on May 12, 2010, at the George H. Henderson, Jr. Exposition Center, and that City Secretary Renee Thompson would have tickets to the event. City Manager Parker added that he would be on vacation from May 7 – 16, 2010, and that he would have his cell phone with him if someone needed to reach him.

13. There being no further business for consideration, the meeting adjourned at 5:50 p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor