

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 6TH DAY OF JULY, 2010**

On the 6th day of July, 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.
Victor Travis
Robert Shankle
Lynn Torres
Rufus Duncan
Phil Medford
Paul L. Parker
Keith Wright
Bruce Green
Renee Thompson
Rodney Ivy
Scott Marcotte
Gerald Williamson
Duane Freeman
Barbara Thompson
Jim Wehmeier
Dale Allred
Chuck Walker
Tara Watkins
Belinda Southern
Trent Cantrell
John McBeth
Bryant Krenek

Mayor
Councilmember, Ward No. 1
Councilmember, Ward No. 2
Councilmember, Ward No. 3
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Deputy City Manager
City Attorney
City Secretary
Human Resource Director
Police Chief
Asst. Police Chief
Asst. Fire Chief
Main Street Director
Economic Development Director
Inspection Services Director
Public Utilities Director
LCVB Director
Finance Manager
Planner
The Transportation District
Memorial Health System of East Texas
President and CEO

being present, and

Don Langston

Mayor Pro-Tem

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Art Callahan, St. Cyprian's Episcopal Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of June 15, 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 LAND LOCATED AT 503 LARGENT STREET AND DESCRIBED AS BEING A .451 ACRE PARCEL OF THE 0005 J. A. BONTON SURVEY, TRACT 202.1, ANGELINA COUNTY, TEXAS, A "RESIDENTIAL LARGE SINGLE-FAMILY DWELLING ZONING DISTRICT" TO**

A “LOCAL BUSINESS ZONING DISTRICT” 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 land located at 503 Largent Street and described as being a .451 acre parcel of the 0005 J. A. Bonton Survey, Tract 202.1, Angelina County, Texas, a “Residential Large Single-Family Dwelling Zoning District” to a “Local Business Zoning District” and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that the City Planning Staff and the Planning and Zoning Commission unanimously recommended the zone change from “Residential Large Single-Family Dwelling” to a “Local Business Zoning District”.

Mayor Gorden opened the Public Hearing 5:09 p.m. and asked anyone who wished to speak on the item to please step forward. There appearing to be no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:10 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation on land located at 503 Largent Street and described as being a .451 acre parcel of the 0005 J. A. Bonton Survey, Tract 202.1, Angelina County, Texas, a “Residential Large Single-Family Dwelling Zoning District” to a “Local Business Zoning District” and authorizing the City Planner to make such changes on the Official Map. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. PRESENTATION BY JOHN MCBETH REGARDING THE TRANSPORTATION DISTRICT

Mayor Jack Gorden stated that the next item for consideration was a presentation by John McBeth regarding the Transportation District.

City Manager Paul Parker stated that during the recent Budget Workshop there were several items within the Council’s budget area that the City Council wanted more in depth information on. City Manager Parker added that one (1) of the items was funds for “The District”, and the City had asked Mr. John McBeth to attend the Council Meeting to represent “The District”. City Manager Parker stated that the City of Lufkin began working with “The District” in January of 1987, and the initial contribution from the City of Lufkin was forty-seven thousand five hundred dollars (\$47,500). City Manager Parker added that this amount was twenty-five percent (25%) of the local match to start the bus systems. City Manager Parker stated that the City of Lufkin had a follow up agreement in 1990, and another in 1992 that spelled out the relationship between the City of Lufkin and “The District”, and after that it just became a regular budget item each year. City Manager Parker explained that there was no other follow up agreement found, and the City of Lufkin continued to contribute to the operation of the transit system in Lufkin. City Manager Parker stated that the amount of the contribution grew from forty-seven thousand five hundred dollars (\$47,500) to forty-eight thousand dollars (\$48,000). City Manager Parker added that there had been a five hundred dollar (\$500) increase in the twenty-three (23) years of contributions. City Manager Parker stated that Mr. McBeth had been invited to the Council Meeting to explain what the funds were being spent on, and also to give the City Council a breakdown of what “The District” was doing in the Lufkin area.

Mr. John McBeth then gave an overview of “The District”, how it received its funding, which counties in Texas that it served, and the type of services provided and their locations. Mr. McBeth also provided information on “The District’s” Board of Directors, types of vehicles used, Jennings Station, and the Charles Wilson VA Shuttle. Mr. McBeth explained

the money generated by “The District” for the City of Lufkin, numbers of passengers on Lufkin’s fixed routes, and costs generated by those routes. Mr. McBeth concluded by explaining how public transportation provided economic opportunities to the areas it served.

Mayor Gorden asked for questions or comments from the Council. There was some discussion among the Mayor, Council, and City Manager concerning “The District”.

6. DONATION OF FOUR (4) MEDTRONIC SPRINT WIRELESS MODEMS AND LIFENET TRANSMISSION SUBSCRIPTION, VALUED AT THREE THOUSAND SEVEN HUNDRED EIGHTY-FOUR DOLLARS (\$3,784), TO THE LUFKIN FIRE DEPARTMENT FROM MEMORIAL HEALTH SYSTEM OF EAST TEXAS AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 31), - 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 donation of four (4) Medtronic Sprint Wireless Modems and Lifenet Transmission Subscription, valued at three thousand seven hundred eighty-four dollars (\$3,784), to the Lufkin Fire Department from Memorial Health System of East Texas, and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 31), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that the City of Lufkin was appreciative of an offer from Memorial Health System of East Texas for their generous donation of four (4) Medtronic Sprint Wireless Modems and Lifenet Transmission Subscription. City Manager Parker explained that the modems would allow timely transmission of vital information from the recently acquired 12-lead Lifepak EKG monitor/defibrillators directly to the receiving hospital, in lieu of using a secondary device for transmission. City Manager Parker added that the donation would improve patient care, and thus provide quicker access to definitive therapy, which would allow for more lives being saved and better quality of life for those individuals who experienced a cardiac event.

Bryant Krenek, President and CEO of Memorial Health System of East Texas, stated that City Manager Parker did an excellent job of explaining the systems, and that he had enjoyed the presentation regarding “The District”. Mr. Krenek added that public transportation was meeting the needs of those people who were needy and didn’t have transportation. Mr. Krenek added that Memorial Health System of East Texas was also there to meet those needs. Mr. Krenek then explained the vision of Memorial Health System of East Texas, and that part of that vision was the connectivity with emergency responders and being able to have the information regarding cardiac events ahead of time to the emergency rooms in the Lufkin community to enable them to get the patients the kind of care that they needed. Mr. Krenek then donated a check to the City of Lufkin Fire Department for the purchase of four (4) Medtronic Sprint Wireless Modems and a Lifenet Transmission Subscription, valued at three thousand seven hundred eighty-four dollars (\$3,784).

Mayor Gorden asked for questions or comments from the Council. Members of the City Council then expressed their appreciation to Mr. Krenek and Memorial Health System of East Texas for the donation.

Councilmember Lynn Torres moved to approve the donation of four (4) Medtronic Sprint Wireless Modems and Lifenet Transmission Subscription, valued at three thousand seven hundred eighty-four dollars (\$3,784), to the Lufkin Fire Department from Memorial Health System of East Texas, and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 31), 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.

7. CONTRACT WITH DREWERY CONSTRUCTION COMPANY, INC. - TABLED - FOR DISASTER REMOVAL, REDUCTION AND DISPOSAL SERVICES

Mayor Jack Gorden stated that the next item for consideration was a contract with Drewery Construction Company, Inc. for disaster removal, reduction and disposal services.

City Manager Paul Parker stated that during the final review of the contract with Drewery Construction Company, Inc., Staff determined that there was language that needed to be clarified and points that were a little misleading. City Manager Parker added that instead of trying to correct those items during the Council Meeting, Staff was requesting to table the item until a future meeting to allow Staff to make sure the contract was stated exactly as it should be before bringing it to the Council.

Councilmember Phil Medford moved to table the contract with Drewery Construction Company, Inc. for disaster removal, reduction and disposal services. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

8. TRANSFERRING OVERTIME IN THE AMOUNT OF FOUR THOUSAND DOLLARS (\$4,000) FROM THE POLICE DEPARTMENT FORFEITURE FUND TO THE POLICE DEPARTMENT PATROL OVERTIME FUND, AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 29). - 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 the transferring of overtime in the amount of four thousand dollars (\$4,000) from the Police Department Forfeiture Fund to the Police Department Patrol Overtime Fund, and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 29), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that Chief Marcotte had briefed the Council at the last meeting regarding his overall initiatives to reduce accidents and deaths in Lufkin. City Manager Parker added that part of the plan was to take money from the Police Forfeiture Fund to pay overtime during the holiday weekends. City Manager Parker explained that the Police Forfeiture Fund could be expended by Chief Scott Marcotte by State Law, but only with City Council approval. City Manager Parker stated that instead of paying overtime for the officers working the events through the General Fund, Chief Marcotte proposed using the Police Forfeiture Fund, and this agenda item would appropriate the funds into the correct account. City Manager Parker added that Staff recommended that Council approve Budget Amendment No. 29.

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

Councilmember Lynn Torres moved to approve the transferring of overtime in the amount of four thousand dollars (\$4,000) from the Police Department Forfeiture Fund to the Police Department Patrol Overtime Fund, and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 29), 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. FIRST READING OF AN ORDINANCE AUTHORIZING THE LUFKIN POLICE DEPARTMENT TO ADOPT A CITY-WIDE POLICY FOR TOWING MOTOR VEHICLES WHEN THE OPERATOR OF THE VEHICLE EITHER FAILS TO MAINTAIN, OR CANNOT PRESENT PROOF OF, FINANCIAL RESPONSIBILITY REQUIRED BY THE STATE; - APPROVED - PROVIDING FOR A FINANCIAL RESPONSIBILITY VERIFICATION FORM FEE, AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance authorizing the Lufkin Police Department to adopt a City-Wide Policy for towing motor vehicles when the operator of the vehicle either fails to maintain, or cannot present

proof of, financial responsibility required by the State; providing for a financial responsibility verification form fee, and providing for an effective date.

City Manager Paul Parker stated that the Council had a thorough review of the Ordinance during a previous Council Meeting concerning the program. City Manager Parker added that the program meant that anyone involved in a traffic stop, or involved in a traffic accident and did not have insurance, would be subject to having their vehicle towed and impounded. City Manager Parker stated that this decision would be under the jurisdiction of the Police Department, and that officers would use discretion when making the determination of whether to have the vehicle towed and impounded. City Manager Parker explained that this would ensure that people involved in accidents and did not have insurance would have their vehicle towed and impounded, and would have to show proof of insurance prior to getting their vehicle out of impoundment. City Manager Parker stated that the City Council had various concerns regarding verification of a person's insurance status, and Staff confirmed that the system for validating the insurance status was working well. City Manager Parker added that there were also support mechanisms in place to corroborate the status. City Manager Parker explained that Staff felt very comfortable that the system had many checks and balances in place. City Manager Parker stated that Staff recommended the program to the City Council for adoption, and that Chief Scott Marcotte was present to answer any questions that the Council had regarding the program or Ordinance.

Mayor Gorden asked for questions or comments from the Council. There was discussion of the program, fines and the media campaign by the Council, City Manager and Staff.

Councilmember Lynn Torres moved to approve the First Reading of the Ordinance authorizing the Lufkin Police Department to adopt a City-Wide Policy for towing motor vehicles when the operator of the vehicle either fails to maintain, or cannot present proof of, financial responsibility required by the State; providing for a financial responsibility verification form fee, and providing for an effective date. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

10. ALLOCATE FUNDS TO PAY THE REMAINDER OF THE FUNDS DUE TO TXDOT FOR THE RIGHT-OF-WAY (ROW) ACQUISITION ON U. S. HIGHWAY 59 SOUTH, AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 30), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 1999 CIP BOND PROGRAM FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was to allocate the funds to pay the remainder of the funds due to TxDOT for the right-of-way (ROW) acquisition on U. S. Highway 59 South, and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 30), providing for the supplemental appropriation of funds in the 1999 CIP Bond Program Fund; and providing an effective date.

City Manager Paul Parker stated that whenever the right-of-way was purchased for the US Highway 59 South Project, the City of Lufkin was responsible for ten percent (10%) of the cost. City Manager Parker added that the program was closed out in 2009, however the City received an additional request for funding from Texas Department of Transportation (TxDOT) for the final parcel. City Manager Parker explained that the City's share was eleven thousand two hundred seventy-eight dollars and seventy cents (\$11,278.70), which brought the total commitment from the City to three million two hundred eleven thousand one dollars and eighty-four cents (\$3,211,001.84) for right-of-way acquisition on US Highway 59 South. City Manager Parker stated that Staff recommended that the City Council approve Budget Amendment No. 30, allocating the eleven thousand two hundred seventy-eight dollars and seventy cents (\$11,278.70) to finalize the right-of-way acquisition cost for the US Highway 59 South Project.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the allocation of funds to pay the remainder of the funds due to TxDOT for the right-of-way (ROW) acquisition on U. S.

Highway 59 South, and a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 30), providing for the supplemental appropriation of funds in the 1999 CIP Bond Program Fund; and providing an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

11. Mayor Jack Gorden recessed the Regular Session at 5:55 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 6:47 p.m.

11. APPOINTMENTS – APPROVED - TO BOARDS AND COMMISSIONS

Mayor Jack Gorden stated that the next item for consideration was appointments to boards and commissions.

Councilmember Lynn Torres moved to approve the following appointments to boards and commissions:

- a. Civil Service Commission – Royce Garrett
- b. Construction Board of Adjustments and Appeals – Wayne Stolz, David Miles and Billy Weisinger
- c. 4- B Economic Development Board – Mayor Jack Gorden and Council Members Lynn Torres and Phil Medford
- d. Parks & Recreation Advisory Board – Roy Reyes and Jeff Taylor
- e. Planning and Zoning Commission – Mark Hicks and Malcolm Deason
- f. Taxi Cab Committee – Ronald Davis
- g. Tree Board – Joe Pase, John Courtenay, Janie Slack and Janet Clarke
- h. Zoning Board of Adjustments and Appeals – Don Duran, Jerry Benson, Lacy Chimney and Robert Foley as an alternate
- i. DETCOG Board – Councilmember Victor Travis.

Councilmember Torres added that she also moved that the Council table nominations to the Lufkin Convention and Visitors Bureau. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

13. 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 stated that the TML Region 16 Quarterly Meeting would be held in Dayton, Texas on Thursday, July 15, 2010, and asked any Council Members who would like to attend to notify City Secretary Renee Thompson. City Manager Parker added that on Thursday, July 8, 2010, would be the dinner in honor of R. L. Kuykendall at 6:30 p.m. at Ralph and Kacoos Restaurant. City Manager Parker stated that the Firemen’s Pension

Board would also meet on Thursday, July 8, 2010, at 9:30 a.m. at the Lufkin City Hall Room 202. City Manager Parker stated that Official Opening of the Cassels-Boykin County Par, and Dedication of the Dr. Bill and Emily Shelton Pavilion would be held on Friday, July 9, 2010 at 10:00 a.m.

City Manager Parker then introduced Randy Cadwell, who was the newest employee in the IT Department, and working in the video production and media area for the City. City Manager Parker added that Mr. Cadwell would be filming the City Council Meetings in the future, and that if any of the Council knew of an event that needed to be filmed they should get with Randy. City Manager Parker welcomed Mr. Cadwell to the City of Lufkin, and also Ted Perryman, who was now in charge of the City's website and internet area. City Manager Parker added that Mr. Perryman would be working closely with Mr. Cadwell, and would be assisting in filming the Council Meetings from time to time.

Mayor Jack Gorden stated that the Fourth of July Independence Day Celebration at the Ellen Trout Park was spectacular. Mayor Gorden then thanked Mike Love for sponsoring the event, and that it was really a great celebration, and that everyone should make an effort to attend in the future.

- 14.** There being no further business for consideration, the meeting adjourned at 6:52 p.m.



Renee Thompson – City Secretary



Jack Gorden, Mayor