MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 16th DAY OF JANUARY, 2007

On the 16th day of January, 2007, 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
Rose Faine Boyd	Mayor Pro-Tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Asst. City Manager
David Koonce	Human Resource Director
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Doug Wood	Finance Director
Barbara Thompson	Main Street Director
Randy Innerarity	Fleet Maintenance Director
Jim Wehmeier	Economic Development Director

being present, and

Rufus Duncan	Councilmember, Ward No. 5
Robert Flournoy	City Attorney
Renee Thompson	City Secretary

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Councilmember Don Langston.

2. Mayor Jack Gorden welcomed visitors present.

3. **APPROVAL OF MINUTES**

   Minutes of the Regular Meeting on January 2nd, 2007 were approved on a motion by Councilmember Rose Faine Boyd, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **SECOND READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - AMENDING THE CODE OF ORDINANCES OF THE CITY OF LUFKIN BY AMENDING TITLE VII ("TRAFFIC CODE") TO ADD A NEW CHAPTER 76 TO BE ENTITLED, "AUTOMATED TRAFFIC SIGNAL ENFORCEMENT", ESTABLISHING CIVIL ENFORCEMENT AND LIABILITY FOR TRAFFIC LIGHT INFRACTIONS; ESTABLISHING PROCEDURES FOR CIVIL ADJUDICATIONS OF VIOLATIONS: PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

   Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance of the City of Lufkin, Texas, amending the Code of Ordinances of the City of Lufkin by amending Title VII ("Traffic Code") to add a new Chapter 76 to be entitled, "Automated Traffic Signal Enforcement", establishing civil enforcement and liability for traffic light infractions; establishing procedures for Civil Adjudications of Violations: providing a severability clause; and providing an effective date.

Mayor Gorden then requested comments from City Manager Paul Parker.

City Manager Parker stated that this was the Second Reading of the ordinance that would put fines and procedures in place for the enforcement of violations in regard to the red light camera installation. City Manager Parker stated that City of Lufkin Staff recommended approval.

Mayor Gorden then requested comments and/or motions from Council.

Councilmember Don Langston moved to approve the Second Reading of an Ordinance of the City of Lufkin, Texas, amending the Code of Ordinances of the City of Lufkin by amending Title VII ("Traffic Code") to add a new Chapter 76 to be entitled, "Automated Traffic Signal Enforcement", establishing civil enforcement and liability for traffic light infractions; establishing procedures for Civil Adjudications of Violations: providing a severability clause; and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. INTERLOCAL COOPERATIVE AGREEMENT WITH COUNTY OF ANGELINA PROVIDING FOR THE HOUSING OF PRISONERS FROM THE CITY OF LUFKIN, TEXAS –APPROVED - IN THE ANGELINA COUNTY JAIL.

Mayor Jack Gorden stated that the next item was to consider authorizing an Interlocal Cooperative Agreement with County of Angelina providing for the housing of prisoners from the City of Lufkin, Texas in the Angelina County Jail.

City Manager Paul Parker stated that Staff was pleased to recommend to Council an Agreement with Angelina County to handle Class C misdemeanor violations for the City of Lufkin. City Manager Parker stated that for the last three (3) years the City had not been able to incarcerate citizens with Class C misdemeanor charges except under special circumstances, and as a general rule the City's Class C violators with multiple warrants were apprehended and processed at the County Jail, but were not incarcerated. City Manager Parker stated that this would not only alleviate difficulty in collecting fines and warrant fees, but would also increase the severity of local Ordinances. City Manager Parker stated that over the past two (2) months, the City and Angelina County had worked diligently to come to an agreement that would be beneficial to both parties involved, one that would not place undue burden on Angelina County, but at the same time be beneficial to the City of Lufkin by incarcerating those individuals who violated municipal law. City Manager Parker stated that the agreement stated that the City of Lufkin would pay Angelina County a sum of thirty-five dollars ($35) per day for the housing of prisoners, and that after the first (1st) year the fee would increase to thirty-seven dollars($37) per day for each prisoner, until such time the agreement was renegotiated. City Manager Parker stated that another important factor of the agreement was that a prisoner must be held for eight (8) hours before the City would be charged for a "day", and that the majority of the time, most violators would make restitution prior to being held for eight (8) hours. City Manager Parker stated that he felt that the proposal made by the County was more than fair and that Staff recommended approval.

Mayor Gorden expressed his thanks to all parties involved in creating this agreement and stated that it would be beneficial not only to the citizens of Lufkin, but to everyone in the County.

Police Chief Larry Brazil stated that it was a great contract, and that the City could not have secured a better rate for housing prisoners.

Councilmember Rose Faine Boyd questioned as to when the eight (8) hours would begin for violators.

Chief Brazil replied that the time would start upon the booking of the prisoner.

City Manager Parker stated that the Ordinance also detailed who was responsible for health care, etc. of prisoners, and that due to that there could be some small increases in the rate on rare occasions, and that City and County staff would work diligently to minimize those expenses.

Mayor Gorden then requested comments or motions from Council.

Councilmember Rose Faine Boyd moved to approve authorizing an Interlocal Cooperative Agreement with County of Angelina providing for the housing of prisoners from the City of Lufkin, Texas in the Angelina County Jail. Councilmember R.L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

6 <u>RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 8), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE.</u>

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 8), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

Mayor Gorden stated that this item was in relation to the Interlocal Jail agreement with Angelina County.

City Manager Parker stated that expenses anticipated in regard to the Jail agreement were estimated at forty-five thousand dollars ($45,000) for the remainder of the fiscal year, with sixty thousand dollars ($60,000) in anticipated revenue. City Manager Parker stated that it was estimated that revenue from this agreement would far exceed expenditures in the future, but Staff wanted to err on the side of being conservative, and this Resolution would allow the creation of budget line items to pay expenditures as they came due.

Mayor Gorden requested comments and /or motions from Council.

Councilmember Phil Medford moved to approve the Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 8), 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.

7. <u>FORFEITED FUNDS BUDGET FOR FY2007 – APPROVED - FOR POLICE DEPARTMENT</u>

Mayor Jack Gorden stated that the next item for consideration was to establish a Forfeited Funds Budget for FY2007 for the Police Department.

City Manager Paul Parker stated that each year Police Chief Larry Brazil brought forth a budget for Council approval in relation to the forfeiture funds collected by the Police Department. City Manager Parker stated that Chief Brazil had sole discretion on how the funds were spent, and had always been very diligent in presenting a budget that offset expenditures that would otherwise be funded through the General Fund and that again this year Chief Brazil had done a good job, as well.

City Manager Parker stated that twenty thousand dollars ($20,000) would be budgeted for new furniture and fixtures for the recent remodeling of offices in the Police Department, ten thousand dollars ($10,000) for travel and training expenses, and the remainder of twelve thousand dollars ($12,000) to pay for seized vehicles. City Manager Parker reiterated that Chief Brazil and his staff had once again done a good job

Councilmember R.L. Kuykendall moved to approve establishing a Forfeited Funds Budget for FY2007 for the Police Department. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

8. **BID FOR $33,970 FOR THE PURCHASE OF ODOR CONTROL SYSTEM FOR ELLEN TROUT LIFT STATION FROM FESTERMAN'S INDUSTRIES, INC. AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 7), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER/WASTEWATER FUND; AND PROVIDING AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was the approval of a bid for thirty three thousand nine hundred seventy dollars ($33,970) for the purchase of an Odor Control System for Ellen Trout Lift Station from Festerman's Industries, Inc. and a Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 7), providing for the supplemental appropriation of funds in the Water/Wastewater Fund; and providing an effective date.

City Manager Paul Parker stated that as Council was aware, the odor problem in the Keltys area had existed for some time, and after several different experiments and consultants in regard to odor control, the City discovered that injecting magnesium hydroxide would alleviate the odor problem. City Manager Parker stated that the equipment that had been used to inject this had been provided by the consultant, but now that this has been determined to be the solution, the equipment would need to be permanently installed. City Manager Parker stated that the long term goal was to alleviate the problem by lifting the force sewer main.

Assistant City Manager Keith Wright commented that this measure would not always cure the problem because the characteristics of wastewater varied depending on the rate of discharge, and variances could affect the feed rate of the chemical into the line. If odor was detected by the public, and reported, then the feed rate of the chemical could be increased thereby alleviating the odor.

Mayor Gorden questioned as to whether the odor was related to the Zoo.

Assistant City Manager Wright replied that it was not related to the Zoo, but was caused by the tension time of the force main.

City Manager Parker stated that numerous odor control methods had been tried, but this seemed to be the best solution to the problem and that the expense of the chemical was included in this fiscal year's budget; however, the expense for the equipment and installation had not.

Mayor Gorden requested comments and/ or questions from Council.

Councilmember R.L. Kuykendall moved to approve the bid for thirty three thousand nine hundred seventy dollars ($33,970) for the purchase of an Odor Control System for Ellen Trout Lift Station from Festerman's Industries, Inc. and a Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 7), providing for the supplemental appropriation of funds in the Water/Wastewater Fund; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

9. **PURCHASE 261 BLUE CARTS AND 261 GRAY CARTS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (HGAC) - APPROVED - FOR $26,584 FROM CASCADE ENGINEERING FOR THE SOLID WASTE DEPARTMENT**

Mayor Jack Gorden stated that the next item for consideration was the approval to purchase two hundred sixty-one (261) blue carts and two hundred sixty-one (261) gray carts through the Texas Local Government Purchasing Cooperative (HGAC) for twenty-six thousand five hundred eighty four dollars ($26,584) from Cascade Engineering for the Solid Waste Department.

City Manager Paul Parker stated that each year the City had carts that were either lost or damaged, and due to the recent annexation, numerous carts had been placed for the additional customers, creating the need for new carts to be purchased as was a routine annual purchase of carts. City Manager Parker also noted that the carts were the larger ninety-six (96) gallon carts, instead of the sixty-five (65) gallon carts.

Mayor Gorden then requested comments and/or motions from Council.

Councilmember Phil Medford moved to approve the purchase of two hundred sixty-one (261) blue carts and two hundred sixty-one (261) gray carts through the Texas Local Government Purchasing Cooperative (HGAC) for twenty-six thousand five hundred eighty four dollars ($26,584) from Cascade Engineering for the Solid Waste Department. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. <u>BID FOR THE PURCHASE OF A 100 HP BALER – APPROVED - FOR THE RECYCLING FACILITY</u>

Mayor Jack Gorden stated that the next item for consideration was a bid for the purchase of a 100 HP Baler for the Recycling Facility.

City Manager Paul Parker stated that the piece of equipment was included in the City's Amortization schedule and that the current baler in the Solid Waste Department had reached it's life expectancy and had also been repaired numerous times. City Manager Parker stated that the monies for the purchase of the baler had been set aside in the Amortization Fund. City Manager Parker added that the low bidder meeting all specifications was Mayne Machinery Company in Waco, Texas, and with the trade in of the existing baler, the cost would be two-hundred one thousand four hundred ninety-eight dollars ($201,498). City Manager Parker stated that the bid was below the budgeted amount of two hundred eight thousand eight-hundred five dollars ($208,805) and that Staff recommended approval of purchase of the item.

Mayor Gorden then requested comments or motions from the Council.

Councilmember Rose Faine Boyd moved to approve the bid for the purchase of a 100 HP Baler for the Recycling Facility. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

Mayor Gorden then asked whether or not periodic updates on the Solid Waste Department were available.

City Manager Parker responded that one of the items on the agenda for the Strategic Planning session scheduled for March was a presentation of recommended changes by Steve Floyd, Solid Waste Director on ideas for improving services and efficiency at Solid Waste and the Recycling Department.

11. <u>CITY MANAGER'S REPORT:</u>

Mayor Gorden stated that the next item on the agenda was the City Manager's Report including the Financial Status Report, Project Status Report as well as the Finance Committee Report.

City Manager Paul Parker stated that the last two (2) months sales tax revenue was down from previous months, but did not cause the fiscal year to date total to be lower and that ad valorem tax revenue would begin to increase within the next several months. City Manager Parker added that expenditures for the first quarter of the fiscal year were on target as well as the Water and Wastewater Fund and that there were no concerns at the time. City Manager Parker stated that the first quarter Hotel/Motel Tax Revenue had not been received at the time of the report so that revenue was not reflected. City Manager Parker added that the Sales Tax needed to be monitored, but at the time there was no need for concern.

Mayor Gorden requested comments from Council.

Councilmember Lynn Torres stated that in light of the recent election to make Angelina County wet, she wished to ask Council to consider earmarking anticipated sales tax from alcohol sales for programs, etc. for alcohol issues in the community, such as underage drinking. Councilmember Torres stated that maybe these funds could be used by the Police Department for an ad campaign against underage drinking, and that this would be a proactive action for the City to give back to the community.

City Manager Parker requested that Chief Larry Brazil research this to present ideas for use of money for alcohol prevention at the Strategic Planning session.

City Manager Parker stated that project reports had been distributed and that Assistant City Manager Keith Wright would be giving details on the Whitehouse Expansion Phase Three and that completion of this project would be critical to the easing of traffic during the Highway 59 South Expansion.

Assistant City Manager Wright stated that this project would be completed in two (2) phases, the first phase from 59 South to the creek crossing on Daniel McCall Drive and the second phase from the creek crossing back to FM 819.

City Manager Parker stated that the goal was to have at least the first phase completed, if not both, prior to Christmas 2007.

Mayor Gorden questioned when the project would go out to bid.

Assistant City Manager Wright stated that it would depend on when TX Dot completed their review of the project, and that originally it was scheduled for January, but due to an expansion of the project, which included plan revisions, it may be longer.

City Manager Parker stated that the second project, the Crown Colony Asbestos Water Line Project, would be detailed by Assistant City Manager Wright as well.

Assistant City Manager Keith Wright distributed a map of the area and stated that the project had been broken down into eight (8) segments, and that basically the contractor would be required to complete each segment before moving to another. Assistant City Manager Wright added that the work must begin where there was actual water pressure and that the first segment would begin on Highway 59 South, followed by Champions Drive. Assistant City Manager Wright explained that if the contractor was able to employ a second crew the work would move faster and that there would be no more than two (2) sections of street under construction at one (1) time.

Councilmember Don Langston asked that Assistant City Manager Wright provide him a proposed sequence of the construction, so that he could address citizen's questions should they arise.

Assistant City Manager Wright said he could provide a proposed sequence, but the availability of pressure testing would determine the sequence as well as whether or not the contractor could provide an additional crew.

Mayor Gorden stated that the next item to be discussed was the finance committee report, and that the Committee had reviewed all of the City funds, as well as the Fireman's Retirement Fund and that all appeared to be in compliance with the laws as required.

City Manager Parker stated that the City's financial picture was in good standing and added that the current auction of City vehicles went well.

12. CALENDAR NOTATIONS, FROM MAYOR , COUNCIL MEMBERS, AND CITY MANAGER.

City Manager Paul Parker reminded the Council of the Hotel Occupancy Tax meeting, the Fireman's Pension Board meeting and the Kurth Memorial Library Gala on Saturday, January 20th. City Manager Parker also mentioned the Chamber Banquet on Thursday, January 25th and reminded Council of Lufkin/Nacogdoches Day approaching in February.

Mayor Gorden expressed his appreciation for everyone who worked on and participated in the Martin Luther King Jr. Day parade and program.

13. There being no further business for consideration, the meeting adjourned at 5:45 p.m.

Jack Gorden

Jack Gorden – Mayor

Renee Thompson

Renee Thompson – City Secretary